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JULY 6, 2001

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY:

Department of the Military
Public Employment Retirement Board

A written comment period has been established commencing on **July 6, 2001** and closing on **August 20, 2001**. Written comments should be directed to the Fair Political Practices Commission, Attention **Wayne Imberi**, 428 J Street, Suite 450, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written

comments must be received no later than **August 20, 2001**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Wayne Imberi/ Kevin Moen, Fair Political Practices Commission, 428 J Street, Suite 450, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Wayne Imberi**, Fair Political Practices Commission, 428 J Street, Suite 450, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Industrial Relations (“Director”) proposes to adopt regulations setting forth the procedures for hearing disputes on the payment of prevailing wages in public works contracts under Articles 1 and 2 of Division 2, Part 7, Chapter 1 (commencing with section 1720) of the Labor Code. The Director proposes to adopt these regulations as a new Subchapter 6 of Chapter 8, Division 1 of Title 8 of the California Code of Regulations after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARINGS, WRITTEN COMMENT PERIOD, AGENCY CONTACTS

Public Hearings:

Public Hearings will be held on the proposed regulations as follows:

August 13, 2001 at 10:00 a.m.
Ronald Reagan State Building,
First Floor Auditorium, South Tower
300 South Spring Street
Los Angeles, California

August 20, 2001 at 10:00 a.m.
Hiram Johnson State Building,
Basement Auditorium
455 Golden Gate Avenue
San Francisco, California

At the hearings, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Director requests but does not require persons who make oral comments to also submit a written copy of their testimony.

Written Comment Period:

Any person or authorized representative may submit written comments relevant to the proposed regulatory action to the contact person listed below. The written comment period closes on August 20, 2001, at 5:00 p.m., and the Director will only consider comments received by that deadline. Written comments may be submitted in person at one of the hearings or by letter, facsimile, or e-mail as follows:

Department of Industrial Relations
Office of the Director—Legal Unit
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102
Mailing: P.O. Box 420603
San Francisco, CA 94142-0603
Facsimile: (415) 703-4277
E-mail: AB1646comments@dir.ca.gov

Agency Contacts:

Inquiries concerning the proposed regulations may be directed to:

Primary Contact:

John Cumming
Department of Industrial Relations
Office of the Director—Legal Unit
P.O. Box 420603
San Francisco, CA 94142-0603
(415) 703-4265

Back-up Contact:

Douglas Elliott
Department of Industrial Relations
Office of the Director—Legal Unit
P.O. Box 420603
San Francisco, CA 94142-0603
(415) 703-4240

Questions about the substance of the proposed regulations may be directed to either Mr. Cumming or Mr. Elliott.

AUTHORITY AND REFERENCE

AUTHORITY: Labor Code sections 7, 55, 59, 1742(b), and 1773.5.

REFERENCE: Stats. 2000, Chapter 954, § 1; Civil Code sections 2787, 3247, and 3248; Code of Civil Procedure sections 12a, 12b, 128.5, 170.3(c)(1), 473, 1010 through 1013, 1094.5, and 1985 through 1988; California Rules of Court 985 and 1613; Evidence Code sections 451, 452, 455, 500, 502, 550, 754, 777, and 1563; Government Code sections 6250 et seq., 6700, 6701, 11405.60, 11405.70, sections 11415.20, 11425.10 et seq., 11425.20, 11425.30, 11425.50, 11430.10 through 11430.80, 11430.80(b), 11435.05 through 11435.65, 11440.50, 11450.20 through 11455.30, 11502(b), 11507, 11511.5, 11512, 11513, 11514, 11515, 68511.3, 68560, and 68566; Labor Code sections 7, 55, 59, 1720 et seq., 1722, 1722.1, 1726, 1727, 1741, 1742, 1742(a), 1742(b), 1742(c), 1742(d), 1742.1, 1743, 1771.5, 1771.6, 1771.6(a), 1771.6(b), 1773.5, 1775, 1775(b), 1776, 1776(g), and 1777.1–1777.7.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Overview:

The laws regulating public works projects require among other things that contractors and subcontractors pay their employees not less than the general prevailing wage rates, as determined under the Labor Code. When a contractor or subcontractor is found to have violated prevailing wage obligations, the body awarding the public works contract is required to withhold and retain from payments due to the

contractor all wages and other sums forfeited pursuant to the contract or existing law.

Under preexisting law that has been repealed effective as of July 1, 2001, a contractor or his or her assignee could appeal this action by bringing suit to recover the amounts withheld. Where the prevailing wage requirements were being enforced by an awarding body acting as a labor compliance program, the contractor also could appeal the enforcement action by requesting an administrative hearing before the Director, as an alternative to going to court.

AB 1646 (Stat. 2000 Chapter 954) made various substantive and procedural changes to the laws governing payment of prevailing wages on public works projects. Among other things, AB 1646 repealed Labor Code sections 1731–1733, that permitted contractors and assignees to sue for recovery of withheld contract payments, and section 1771.1, that provided the alternative of requesting a hearing before the Director. AB 1646 replaced those provisions with a new Labor Code section 1742, that provides for prevailing wage disputes to be appealed administratively, with a hearing conducted by an impartial hearing officer, and a final decision made by the Director. The Director’s decision will be subject to court review only by writ of administrative mandate under Code of Civil Procedure section 1094.5, using the “substantial evidence” test. These procedural changes take effect on July 1, 2001 and will remain in effect until January 1, 2005. On that date another version of Labor Code section 1742 will take effect and provide for administrative law judges to conduct the hearings and make final decisions.

The last sentence of Labor Code section 1742(b) requires the Director to adopt regulations setting forth procedures for these hearings. The purpose of this rulemaking is to comply with that mandate and set forth appropriate procedures that give effect to specific statutory requirements and afford due process to the parties involved in these proceedings.

AB 1646 made additional changes that are reflected in these proposed rules. New Labor Code section 1741, which also becomes operative on July 1, 2001, provides for the Labor Commissioner to initiate an enforcement action by issuing a Civil Wage and Penalty Assessment, which must contain certain information and must be issued and served in a prescribed manner within a prescribed period of time. Labor Code section 1771.6, as amended effective on July 1, 2001, imposes similar requirements on labor compliance programs, who will initiate an enforcement action by issuing a Notice of Withholding of Contract Payments. Section 1771.6(b), as amended, also provides that such Notices are reviewable in the same manner as Civil Wage and Penalty Assessments under Labor Code section 1742.

AB 1646 expanded the right to appeal these actions to affected subcontractors, and this right is reflected in these proposals. (See *Lujan v. G & G Fire Sprinklers, Inc.*, 121 S.Ct. 1446 (2001) [subcontractor had no due process right to hearing under prior statutory scheme].) AB 1646 also added a new Labor Code section 1742.1, providing for liquidated damages and an early settlement procedure. These changes are also reflected in these proposed rules, which include a proposed standard of proof required to avoid the imposition of liquidated damages.

These proposed rules will also provide a way for affected contractor and subcontractors to appeal penalty assessments for certified payroll violations issued by either the Labor Commissioner or the Division of Apprenticeship Standards under Labor Code section 1776. Conversely, these rules will not apply to criminal proceedings related to the violation of prevailing wage laws nor will they preclude other authorized remedies for enforcing those laws.

Proposed Regulations:

The Director proposes to add a new Subchapter 6 to Chapter 8 (Office of the Director) of Division 1, Title 8 of the California Code of Regulations. There are 49 proposed rules divided into six articles. The Director proposes to codify the regulations at sections 17200–17270 of Title 8, but also intends that each regulation be referred to as a Rule, using only its last two digits. (For example, proposed section 17210 may be referred to as Rule 10.)

Through these proposals, the Director intends to provide a complete set of rules governing prevailing wage appeals, from issuance of the Assessment or Notice of Withholding through the preparation of a record following the Final Decision of the Director. Some repetition of statutory language was necessary to make these rules the most coherent and accessible guide for parties who become involved in these cases. The Director anticipates that some participants in these cases will be non-lawyers who will find it easier to follow regulations that set out the procedures completely rather than having to go back and forth between the statute and rules.

Consideration was given to the alternatives of either incorporating these hearings into one of the Department’s preexisting administrative hearing systems or just adopting the hearing rules of the Administrative Procedure Act (found at Government Code section 11500 and following) for these proceedings. However, because of the peculiar requirements of AB 1646, including the short time frames for hearings and decisions with the due process requirements attendant to substantial evidence review, neither approach seemed feasible.

On the other hand, the structure and language of these proposed rules are derived almost entirely from other sources. The primary sources for the language used in these proposals include the underlying Public Works/Prevailing Wage statutes (Labor Code sections 1720 and following), the Administration Adjudication Bill of Rights (Government Code sections 11425.10 and following) and other parts of the Administrative Procedure Act, relevant cited provisions of the Code of Civil Procedure and the Evidence Code, and the rules governing hearings and appeals before the Occupational Health & Safety Appeals Board (8 Cal.Code Regs. sections 345 and following [also supplying the basic outline for these draft regulations]) and the California Unemployment Insurance Appeals Board (22 Cal.Code Regs. sections 5000 and following).

ARTICLE 1 (Sections 17201–17212) sets forth rules of general application throughout the proceedings.

Section 17201 [Rule 01] is an introductory provision setting forth the scope and application of the rules.

Section 17202 [Rule 02] sets forth definitions of terms used throughout the rules. Definitions were provided and in some cases terminology created to address two particular concerns: (1) providing shorthand terms such as “Enforcing Agency” in order to avoid repeating cumbersome statutory language throughout the rules; and (2) providing “term of art” meanings to avoid definitional disputes based on other statutory or common usage meanings.

Section 17203 [Rule 03] sets forth rules for the computation of time, including extensions of time to respond or act when documents are served by mail. This is *not* a rule on proper methods of service, which is set forth later in Rule 10.

Section 17204 [Rule 04] sets forth the standards governing the appointment of an impartial Hearing Officer in a given case. Subpart (b) specifies that Hearing Officers will be appointed from among the Director’s own legal staff as has been customary in other cases in which the Director has the responsibility to conduct an administrative hearing. However, if no one is available from the Director’s legal staff, the rule (and statute) provide that the Director may appoint a lawyer or administrative law judge from another one of the Department’s divisions, other than the Division of Labor Standards Enforcement (*i.e.* the Labor Commissioner) who will usually be one of the parties. Subpart (c) incorporates the Government Code sections which set forth the minimum qualifications for serving as an administrative law judge (expressly required by Labor Code section 1742(b)) and the standards that would preclude an individual from hearing a particular matter (implied from the statutory requirement that the hearing officer be “impartial”). Through subpart (d) the Director intends to delegate

the authority to appoint hearing officers in all cases to the Chief Counsel of the Office of the Director.

Section 17205 [Rule 05] sets forth the authority of hearing officers, which includes all adjudicative authority normally possessed by administrative law judges except that the hearing officer can prepare only a recommended decision, with final decision-making authority reserved to the Director (as provided in the statute). Subpart (b) is intended to clarify that the Director has no review or supervisory authority over the actions of the appointed Hearing Officer other than through the issuance or reconsideration of a final decision.

Section 17206 [Rule 06] specifies that hearing case records are available to the public as public records.

Section 17207 (Rule 07) sets forth the rules governing ex parte communications with the Hearing Officer or the Director. The Administrative Adjudication Bill of Rights (Government Code sections 11425.10 and following) requires certain standards, and this proposal incorporates those standards by reference. Subpart (g) addresses a particular concern regarding ex parte communications with the Director. As a cabinet level officer, the Director inevitably will hear about and discuss major labor and employment law issues with the Labor Commissioner and other parties who may participate in or be affected by these cases. Legal authorities recognize that a cabinet officer is different from an ordinary judicial officer and cannot be isolated from related policy discussions. However, subpart (g) is designed to protect the integrity of the Director’s role as decision-maker when the Director has a matter under active review.

Section 17208 [Rule 08] specifies how non-parties may intervene or participate in a proceeding. The statute and this rule provide that the Labor Commissioner may intervene as a matter of right in proceedings in which the awarding body is acting as the Enforcing Agency. Because the statute recognizes the right of bonding companies and sureties to receive notice of Wage Assessments, this proposal also permits those parties to intervene as a matter of if they do so promptly. Two options are proposed for intervention by another person. The first option does not extend intervention rights to anyone else, but it does authorize the hearing officer to allow other interested persons upon application to present arguments in a given case. The other option would give the Hearing Officer discretion to determine how others would be permitted to intervene in accordance with the standards found in Government Code section 11440.50.

This proposed rule has already drawn considerable comment in pre-notice discussions with interested persons. Government Code section 11440.50 suggests but does not require an agency to adopt a rule for

permissive intervention. The recognized parties in these proceedings are the Enforcing Agency and the affected contractor or subcontractor seeking to recover withheld contract payments and avoid penalties. Labor Code section 1742 will now provide the exclusive means for contractors and subcontractors to appeal an Assessment or Notice, and the statute guarantees them a prompt review. Bonding companies and sureties also have a right to notice but no other express rights under Labor Code section 1742. Affected employees and their unions have an obvious interest in the proceedings; but the statute neither gives them any recognized status nor precludes the pursuit of other enforcement remedies. (AB 1646, section 1.) These factors and the limited time frame for hearing and deciding cases seem to argue against allowing others to participate as parties. However, it is also apparent that the rights and interests of others would be affected by the outcome of these proceedings. The Director encourages further comment.

Section 17209 [Rule 09] permits a party to be represented by a non-lawyer, consistent with the norm for administrative hearings. It also provides that when there is an authorized representative, service on that representative will control the running of deadlines, whether or not copies are also sent to the party. Subpart (d) requires parties and representatives to keep the hearing officer and other parties informed of their current address and telephone number.

Section 17210 [Rule 10] sets forth the rules for serving documents and providing a Proof of Service. Subpart (e) provides that the Hearing Officer will maintain an official address record of parties and participants.

Section 17211 [Rule 11] permits fax and e-mail service and filing as authorized by the hearing officer on a case by case basis. The intent is to encourage the use of such technologies provided they are not used in an abusive fashion or as a club against parties with limited resources. Fax filing will not be authorized for a Civil Wage and Penalty Assessment, a Notice of Withholding of Contract Payments, nor a decision of the Director, all of which are required by statute to be served by mail.

Section 17212 [Rule 12] clarifies that Article 6 of the Administrative Adjudication Bill of Rights applies to these proceedings (as required by Government Code section 11425.10(b)). It specifies that ex parte communications between the Hearing Officer and the Director are permitted under Government Code section 11430.80(b). It also specifies that the formal hearing procedures of the Administrative Procedure Act (Government Code sections 11500 and following) will not apply to these proceedings except insofar as specific parts of those procedures have been incorporated into a given rule.

ARTICLE 2 (Sections 17220–17229) govern the issuance of the Assessment or Notice of Withholding of Contract Payments and the filing of the Request for Review.

Section 17220 [Rule 20] reiterates the requirements for serving the Assessment or Notice of Withholding of Contract Payments and it clarifies what information must be included in the Assessment or Notice.

Section 17221 [Rule 21] sets forth the right under Labor Code section 1742.1(b) to have an early settlement meeting with the Enforcing Agency. Subpart (c) clarifies that the parties are not precluded from having later settlement discussions. Subpart (d) specifies that the early settlement procedures, whether observed or not observed, do not extend the time for filing a Request for Review.

Section 17222 [Rule 22] sets forth the time limits and requirements for filing of Request for Review, which is the appeal document in these proceedings. In accordance with the statute, the Request for Review must be served on the Enforcing Agency, but the rule encourages sending a courtesy copy to the Director's Legal Unit in order to facilitate prompt scheduling of the hearing. Subpart (e) requires the Request for Review to include a statement of the basis for the Request, and it permits the Hearing Officer to require a further specification of the basis for seeking review. The intent of this subpart is also to facilitate prompt scheduling by giving the Hearing Officer an early understanding of the potential issues.

Section 17223 [Rule 23] specifies where the Enforcing Agency must transmit the Request for Review and other specified documents to commence the review proceeding.

Section 17224 [Rule 24] sets forth and explains the Enforcing Agency's statutory duty to disclose the evidence it intends to use at the hearing. Subpart (d) precludes the Enforcing Agency from using evidence not disclosed within the statutory deadline, but also permits an affected contractor or subcontractor to extend the deadline. Subpart (e) excepts from this preclusion rule any after-acquired evidence that is promptly disclosed as well as evidence used solely to rebut new or collateral claims raised by another party.

Section 17225 [Rule 25] permits an affected contractor or subcontractor to withdraw a Request for Review, and it also sets forth procedures and time limits for seeking to reinstate a withdrawn Request.

Section 17226 [Rule 26] governs the authority of the Enforcing Agency to dismiss or amend a Civil Wage and Penalty Assessment or Notice of Withholding of Contract Payments. Upon notice, which is intended to allow for objections and provide a cooling off period, the Enforcing Agency will essentially have a near-automatic right to dismiss or to amend the Assessment or Notice downward. A motion to amend

an Assessment or Notice upward will require a showing of good cause based upon new information.

Section 17227 [Rule 27] will permit cases to be disposed of early without the need for a hearing on the merits where it appears that either the Assessment or the Request for Review were not served or filed within the statutory time limits. The Hearing Officer will have discretion to decide whether or not to use this procedure as well as discretion not to recommend an early disposition when the evidence is uncertain. If the evidence shows that the Assessment or Request was untimely, the Hearing Officer will recommend that the Director issue a final decision dismissing the Assessment or Request. That decision will then be subject to reconsideration or judicial review in the same manner as any other final decision by the Director.

Section 17228 [Rule 28] specifies that a Civil Wage and Penalty Assessment or Notice of Withholding of Contract Payments that has not been appealed through the filing of a timely Request for Review is a "final order" within the meaning of the statute. Subpart (b) clarifies the duty of awarding bodies to retain and not disburse withheld amounts when an appeal remains pending as to at least one affected contractor or subcontractor.

Section 17229 [Rule 29] addresses the situation in which the wages, penalties, and damages due exceed what is available for withholding from contract payments. Once these awards are final, authority to enforce them is vested in the Labor Commissioner by Labor Code section 1742(d).

ARTICLE 3 (Sections 17230–17237) sets forth prehearing procedures.

Section 17230 [Rule 30] provides in subpart (a) that the Hearing Officer will set the date of the hearing on the merits, usually after consulting with the parties. The succeeding subparts set forth standards for granting continuances and for the waiver and tolling of the 90 day statutory deadline for starting the hearing. Two options are proposed for granting continuances. One option states that once a hearing date is set, continuances ordinarily will not be granted absent extraordinary circumstances. This is consistent with the standards underlying court delay reduction rules. See California Rule of Court 375 and Standards of Judicial Administration Recommended by the Judicial Council, section 9. The other option offers a relaxed standard for granting continuances when requested by all parties to the proceeding. Some believe this option may facilitate settlement of cases. The Director invites comments on which option is more appropriate or whether another approach would best reflect the requirements of the statute.

Section 17231 [Rule 31] permits the Hearing Officer to hold a prehearing conference to facilitate preparation of the case for hearing. Two draft Orders

are included which are not intended to have regulatory effect but which reflect the types of matters which might arise in a prehearing conference and provide a guideline for how a case will proceed.

Section 17232 [Rule 32] permits multiple cases to be consolidated for hearing and decision when appropriate, and it also authorizes consolidated matters to be severed.

Section 17233 [Rule 33] sets forth standards for prehearing motions, including required information and cut-off dates for motions that must be resolved in advance of the hearing. The intent is that such motions would be disposed of on paper without oral hearings, unless an oral hearing is requested *and* the matter involves a fundamental right, such as a compelled waiver of a privilege. Because of the short deadline for starting a hearing on the merits, the procedure is not intended for use for dispositive (e.g. summary adjudication) motions other than a timeliness challenge handled under Rule 27 above.

Section 17234 [Rule 34] provides for the introduction of testimony by affidavit or declaration and for the treatment of that testimony as direct evidence (*i.e.* not hearsay) unless a party has requested an opportunity to cross-examine the witness. This procedure is authorized by the Administrative Procedure Act (Government Code section 11514) and is also a feature of judicial arbitration (California Rule of Court 1613) and economic litigation for limited civil cases (Code of Civil Procedure section 98). If another party requests the opportunity to cross-examine, this proposal places the burden of producing the witness on the party who offered the written testimony, which is the approach followed in Rule of Court 1613. If the witness cannot be produced for cross-examination, the written testimony will still be admissible but will be treated as hearsay evidence.

Section 17235 [Rule 35] provides that subpoenas and subpoenas duces tecum may be issued by a Hearing Officer or by an attorney for a party (consistent with an attorney's authority in civil cases and in adjudications under the Administrative Procedure Act). A subpoena duces tecum may require documents to be produced in advance of the hearing.

Section 17236 [Rule 36] sets forth a separate rule for compelling another party to attend and testify by issuing a Notice to Appear to that party's attorney in lieu of a subpoena.

Section 17237 [Rule 37] precludes depositions in most cases except when needed to obtain testimony from a party who cannot appear at the hearing. The statute contemplates that the Enforcing Agency will have done a full investigation prior to issuing an Assessment or Notice of Withholding of Contract Payments, and that it will turn over its evidence to the party who files a Request for Review, similar to what

occurs in criminal cases. This appears to be the only discovery contemplated by the statute, and a rule that would permit other investigative discovery appears to be incompatible with the statutory 90 day deadline for starting the hearing.

ARTICLE 4 (Sections 17240–17253) sets forth rules governing the Hearing.

Section 17240 [Rule 40] provides for giving notice of the person appointed to serve as Hearing Officer as well as procedures and a time limit for objecting to that person's appointment.

Section 17241 [Rule 41] reiterates the 90 day deadline for commencing the hearing, and sets the county where the Hearing Officer is employed (San Francisco, Sacramento, or Los Angeles) as the default venue for the hearing. The parties may have the venue changed to another location that is more convenient to them but will have the burden to arrange for the availability of a suitable hearing site in that venue.

Section 17242 [Rule 42] sets forth customary standards for conducting hearings that are open to the public while giving the Hearing Officer the authority to protect information that is properly deemed confidential and to exclude witnesses prior to their testimony.

Section 17243 [Rule 43] sets forth customary standards for the conduct of hearings by a presiding officer in an administrative case.

Section 17244 [Rule 44] states the customary rule that administrative hearings are not bound by formal rules of evidence and that generally all relevant evidence is admissible unless subject to exclusion by reason of privilege or because unduly cumulative. Subpart (d) sets forth the customary standard governing the admissibility and weight accorded hearsay evidence in administrative cases.

Section 17245 [Rule 45] sets forth the authority of the Hearing Officer to take official notice (similar to judicial notice) of certain facts and information, including technical facts within the special expertise of the Department.

Section 17246 [Rule 46] sets forth the Hearing Officer's authority to act when a party fails to appear. Subpart (b) provides a procedure and deadline for a party to seek relief from the consequences of its failure to appear.

Section 17247 [Rule 47] sets forth the authority and procedure through which the Hearing Officer may certify a person for being in contempt or sanction a party for bad faith or frivolous tactics. This proposal follows the standards for administrative hearings found in the Administrative Procedure Act (Government Code sections 11455.10–11455.30).

Section 17248 [Rule 48] sets forth standards and procedures for obtaining the services of an interpreter, consistent with the requirements of the Administrative Procedure Act.

Section 17249 [Rule 49] provides that the Hearing Officer and Director will maintain and control the official Hearing Record and that the proceedings will be recorded by audiotape unless the Hearing Officer agrees to a different method. A parties may request a court reporter or other means for recording testimony but will then have the burden of procuring and paying for the reporter or other means.

Section 17250 [Rule 50] sets forth the respective burdens of the parties to come forward with evidence and then to persuade the decision-maker. The Director notes that the statute imposes differing burdens for certain findings and determinations.

Section 17251 [Rule 51] is a separate rule covering awards of liquidated damages under new Labor Code section 1742.1. The statute provides for waiver of liquidated damages "[i]f the contractor or subcontractor demonstrates to the satisfaction of the director that he or she substantial grounds for believing the assessment or notice to be in error[.]" Subpart (b) of this proposal offers a standard of what will constitute an adequate showing for purposes of obtaining a waiver. This standard is derived from the one applied to potential liquidated damages awards in cases arising under the federal Fair Labor Standards Act, 29 U.S.C. sections 216 and 260. The Davis-Bacon Act, 40 U.S.C. sections 276a–276a-7, which provides for the payment of prevailing wages in federal public works projects, is governed by many of the same interpretive standards as the Fair Labor Standards Act (*see* 29 U.S.C. sections 251 and following) although it does not have a liquidated damages provision.

Section 17252 [Rule 52] gives parties the right to file briefs prior to the hearing and to make a closing argument at the conclusion of the hearing. Subparts (b) and (c) give the Hearing Officer discretion to determine what post-hearing submissions will be permitted and include the option of drafting proposed findings.

Section 17253 [Rule 53] specifies the time when the hearing is deemed concluded for purposes of the 45-day deadline for the Director to issue a decision.

Because Article 4 runs through Rule 53, there is no Article 5.

ARTICLE 6 (Sections 17260–17263) sets forth rules governing the Decision of the Director.

Section 17260 [Rule 60] sets forth the statutory requirements for the contents and service of the Decision, including the statute's requirement that the Decision be served by first class mail pursuant to Code of Civil Procedure section 1013.

Section 17261 [Rule 61] sets forth the very limited time frame allowed by statute for the Director to reconsider a Decision. Subpart (d) notes that a Request for Reconsideration is neither a prerequisite for nor does it extend the time limits for seeking court review.

Section 17262 [Rule 62] specifies that the Decision issued under Rule 60 is a final decision for purposes of seeking court review unless the Director has issued a modified decision within the 15 days allowed under Rule 61. Subpart (c) provides that the deadline for seeking court review is determined from the date of service of the Decision and *includes* any extension of time (for service by mail) provided under Code of Civil Procedure section 1013.

Section 17263 [Rule 63] sets forth the obligation of a party seeking court review to designate and pay for preparation of the hearing record. There is an exception for parties granted in forma pauperis status, consistent with the requirements of the Code of Civil Procedure section 1094.5(a).

ARTICLE 7 (Section 17270 [Rule 70]) includes a single rule governing transitional cases in which contract payments were withheld within the 90 days preceding the July 1, 2001 effective date of the new statute and review procedure.

Comparable Statutes and Regulations:

Federal law requires the payment of prevailing wages and adherence to other minimum employment standards for work performed on federal public works projects through the Davis-Bacon Act, 40 U.S.C. sections 276a–276a-7, the Contract Work Hours and Safety Standards Act, 40 U.S.C. sections 327–334, and related statutes that incorporate these requirements into specific federal programs. (See 29 C.F.R. section 5.1 for a list of nearly 60 other such laws.) The regulations which implement these federal statutes are found at 29 C.F.R. Parts 1 through 8. Davis-Bacon and the provisions of Articles 1 and 2 of Division 2, Part 7, Chapter 1 (commencing with section 1720) of the Labor Code impose similar requirements in a similar manner. However, they are distinct in that Davis-Bacon applies only to contracts in which the federal government or the District of Columbia is a party, while the state statutes exclude from their coverage projects that are funded, carried out, and controlled by the federal government, even when a state or local agency cosponsors the project. 8 Cal.Code Reg. section 16001(b); and *Southern California Labor Management Operating Engineers Contract Compliance Committee v. Aubry*, 54 Cal.App.4th 873 (1997). The statutes also have different methods for determining prevailing wage rates, which sometimes result in a higher state rate.

The regulations governing Davis-Bacon and related federal statutes provide for an administrative appeal

and hearing on a prevailing wage determination similar to what is provided in these proposals but also with differences that reflect the requirements of federal law and the organizational structure of the U.S. Department of Labor. See 29 C.F.R. Parts 6 through 8. These proposals have been drafted to follow the requirements of new Labor Code section 1742 and related statutes as well as provisions of California's Administrative Procedure Act that govern administrative adjudications before state agencies.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Director has made the following initial determinations with respect to these proposals. The Director notes that these proposals implement Labor Code section 1742(b)'s duty to adopt regulations setting forth hearing procedures, and these proposals impose no significant mandates, costs, or savings that are different or distinct from what the Legislature has required by statute. The Director invites further comment on these specific impacts.

Mandates on Local Agencies or School Districts:

The proposals do not impose mandates on local agencies or school districts. For local agencies or school districts who seek and obtain approval to act as Labor Compliance Programs, these proposals impose some procedural requirements which may change how those Programs handle prevailing wage appeals but which will leave unchanged or may lower the overall cost of handling such appeals. (Note: the choice to seek certification as a Labor Compliance Program is voluntary, and provides it a significant benefit by raising the threshold for projects deemed exempt from prevailing wage requirements from \$1,000 to \$25,000.)

Costs or Savings to State Agencies; Reimbursable Costs Imposed on Local Agencies or School Districts; other nondiscretionary costs or savings imposed on local agencies; and costs or savings in federal funding to the state:

The statute imposes increased costs on the Office of the Director of the Department of Industrial Relations, and these proposals specifically impose those costs on the Director's Legal Unit which will supply hearing officers and administer the hearing procedures. There may be some corresponding reduction in costs for the courts and the Labor Commissioner who have handled prevailing wage appeals under the old statute. All agencies who are parties to these proceedings may also realize some savings through having the cases handled as administrative hearings rather than as formal court litigation.

To the extent local agencies or school districts participate in prevailing wage cases as awarding

bodies or local compliance programs, they will incur the same costs and savings under the statute as other state agencies performing those functions. Analyses prepared for both houses of the state legislature found that the statute would have a fiscal impact on local government, although the final Senate analysis described the bill as “streamlining” the review process and the final Assembly analysis referred to these costs as “minor [and] absorbable.” Section 22 of AB 1646 found that no reimbursement of local agency costs was required under Section 6 of Article XIIB of the Constitution and Government Code section 17556(g) [statute related to crime or infraction]; however, it also authorized the State Mandates Claims Fund to determine and pay up to one million dollars (\$1,000,000) in reimbursement claims.

The proposals do not involve any costs or savings in federal funding to the state.

Initial Determination of Economic Impact on Business:

The Director has made an initial determination that these proposals will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The statute itself impacts only businesses that choose to enter into public works contracts, and it is neutral in its treatment of California businesses as compared to businesses from other states. The change from a system of court review to an administrative hearing procedure may result in some savings for businesses who appeal prevailing wage determinations, simply because administrative hearings are often cheaper than court litigation.

Known Cost Impacts on Representative Private Person or Business:

The Director is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with these proposals.

Creation, Elimination, or Expansion of Jobs or Businesses (Results of Assessment under Government Code section 11346.3(b)):

The Director has made initial determinations that (1) these proposals will not affect the creation or elimination of jobs within the State of California; (2) these proposals will not affect the creation of new businesses or the elimination of existing businesses within the State of California; and (3) these proposals will not affect the expansion of businesses currently doing business within the State of California.

Reporting Requirements (Finding under Government Code section 11346.3(c)):

These proposals impose no reporting requirements on businesses.

Effect on Housing Costs:

These proposals have no effect on housing costs.

Effect on Small Business:

Small businesses that participate in public works projects may be affected by these proposals. To the extent these proposals result in greater compliance with the prevailing wage laws, businesses that willingly pay prevailing wages will not be at a competitive disadvantage with businesses that pay lower wages than the statute permits. These proposals implement statutory changes that are designed to streamline the process for appealing prevailing wage determinations by requiring administrative hearings rather than court litigation. Since administrative hearings are often more cost efficient for participants than court litigation, these changes may reduce costs for small businesses that appeal prevailing wage determinations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Director must determine that no reasonable alternative considered by the Director or that otherwise has been identified and brought to the Director’s attention would either be more effective in carrying out the purpose for which the action is proposed or be as effective as the proposed action and less burdensome to affected private persons. Labor Code section 1742(b) requires the Director to adopt hearing procedures, and as noted in Informative Digest above, the adoption of a new set of hearing regulations appears to be a more feasible approach for the particular requirements of this statute than attempting to incorporate preexisting schemes. The Director invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

**AVAILABILITY OF INFORMATION
PERTAINING TO THE PROPOSED ACTION**

The Director will have the rulemaking file available for inspection and copying throughout the rulemaking process. Initially the file will consist of this notice, the initial statement of reasons, and the text of the proposed regulations. The text of the file will be available at:

Department of Industrial Relations
Office of the Director—Legal Unit
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102

or from the contact persons John Cumming or Douglas Elliott.

Website:

Rulemaking records, including the text of the proposed regulations may be accessed through the Department's Internet website at www.dir.ca.gov.

Availability of Changed or Modified Text:

After holding the hearings and considering all timely and relevant comments received, the Director may adopt the proposed regulations substantially as described in this notice. If the Director makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be made available to the public for at least 15 days before the Director adopts the regulations as revised. Any such modifications will also be posted on the Department's website. Please send requests for copies of any modified regulations to the attention of the contact persons listed above. The Director will accept written comments on the modified regulations for 15 days after the date on which they are made available.

Availability of the Final Statement of Reasons and the Rulemaking File:

Upon completion, the Final Statement of Reasons will be available and the entire rulemaking file may be obtained from contact persons named in this notice.

**TITLE 13. NEW MOTOR
VEHICLE BOARD**

NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the New Motor Vehicle Board of the State of California ("Board"), pursuant to the authority vested in it by Section 3050, subdivision (a) of the Vehicle Code, proposes to amend section 553 of the regulations contained in Title 13 of the California Code of Regulations in order to reduce the annual fees paid by new vehicle dealers, manufacturers and distributors to fund the Board's activities.

PROPOSED REGULATORY ACTION

The Board proposes to amend section 553 after consideration of all comments, objections, and recommendations regarding the proposed action.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the proposal to reduce the annual Board fees was considered at a noticed General meeting of the Board held on November 28, 2000. The proposed text of the amendments to section 553 was considered and approved by the Board at a noticed General meeting of the Board held on January 18, 2001. Ten days prior to each of the meetings, a detailed agenda including the

consideration of the proposal to reduce the Board's fees and the proposed amendments to the regulation was mailed to the Board's Public Mailing List, a list of approximately 150 individuals, entities and governmental agencies who have requested notification by the Board of pending Board matters. No comments by the public were received at either the November 28, 2000, meeting, or the January 18, 2001, meeting, and no further public discussions were held.

PUBLIC HEARING

A public hearing to receive oral or written comments on these regulations will be held at the following time and place:

DATE: August 27, 2001

TIME: 10:00 a.m.

PLACE: New Motor Vehicle Board
Hearing Room #2
1507 21st Street, Suite 330
Sacramento, California 95814

At the hearing, any person may present statements or arguments orally or in writing via U.S. Postal Service mail, facsimile or electronic mail, relevant to the proposed action described in the Informative Digest. The hearing will continue until all oral and written comments are presented. The Board requests but does not require that a person who makes comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Notice is also given that any person interested may present statements or arguments in writing via U.S. Postal Service mail, facsimile or electronic mail, relevant to the proposed amendments to the agency officer named below at the address identified below on or before 5:00 p.m. on August 27, 2001. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Mike Dingwell, Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
(916) 445-2080
Fax: (916) 323-1632
E-mail: www.nmvp@pacbell.net

The official record of the rulemaking procedure will be closed at 5:00 p.m. following the conclusion of the public hearing on August 27, 2001. Written comments received after 5:00 p.m. on August 27, 2001, will not be considered unless an extension of time in which to receive written comments is announced at the public hearing.

AUTHORITY AND REFERENCE

Vehicle Code section 3050, subdivision (a) authorizes the Board to amend the proposed regulation. Reference: Sections 11723 and 3016, Vehicle Code; and Section 472.5(b), Business and Professions Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Vehicle Code section 3050, subdivision (a) authorizes the Board to adopt rules and regulations governing such matters as are specifically committed to it.

It is the mission and vision of the Board, as adopted by its members, to: resolve disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner; safeguard for the Board's constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes which ultimately improves relations and reduces the need for costly litigation; and, develop methods that further improve the delivery of Board services in a timely and cost-effective manner.

The amendment of Title 13 CCR section 553 will effect the goals of the Board in that reducing the annual fees paid to fund the Board's activities provides a more cost-effective forum.

Due to a one time accounting adjustment of \$1.3 million, the Board's surplus had risen to more than \$2.6 million. In an effort to reduce that surplus, the Board reduced the annual fees paid by new vehicle dealers, manufacturers and distributors, to \$00.00 for a period of one year. Upon consideration of the status of the Board's surplus after the annual fees had been reduced, it was determined that surplus would still remain too excessive.

The adoption of the proposed regulation would reduce the fees paid by new vehicle dealers, manufacturers and distributors by 25% or \$225.00 for new vehicle dealers and \$.338 per vehicle for manufacturers and distributors. The proposed regulation is consistent with Vehicle Code section 3016.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Board has made the following determinations:

EFFECT ON SMALL BUSINESSES

The Board has made a determination that the proposed amendments may likely have a positive effect on small businesses to the extent that any portion of new vehicle dealers, manufacturers and distributors which fund Board activities through payment of annual fees and which may be classified as small businesses will see a 25% reduction in the amount of fees required to be paid.

**COST TO LOCAL AGENCIES AND
SCHOOL DISTRICTS**

The proposed regulatory action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT STATEMENT

The proposed regulatory action imposes (1) no costs or savings to any state agency; (2) no costs to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; (3) no other non-discretionary costs or savings to local agencies; and (4) no costs or savings in federal funding to the state.

EFFECT ON BUSINESSES

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in making this determination.

**POTENTIAL COST IMPACT ON PRIVATE
PERSONS OR BUSINESSES**

The cost impact of the proposed regulatory action is expected to be inconsequential on directly affected private persons. The Board expects any cost impact on directly affected businesses to be a positive effect in that directly affected businesses will see a 25% reduction in the amount of fees required to be paid to fund Board activities.

**ASSESSMENT REGARDING THE EFFECT
ON JOBS/BUSINESSES**

The adoption of this regulation will neither create nor eliminate jobs or businesses in the State of California, will not result in the elimination of existing businesses, and will neither reduce or expand businesses currently doing business in the State of California.

EFFECT ON HOUSING COSTS

The proposed regulatory action will have no impact on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

At the January 18, 2001, General meeting, wherein the Board adopted the proposed regulatory text, the Board considered the following several options:

1. Retaining the current fee structure, i.e., \$300 per dealership and \$.045 per vehicle sold or distributed by a manufacturer or distributor, with a minimum of \$300. Staff projected that the Board's surplus would rise to \$3,348,000 in Fiscal Year 05-06 under the current structure.
2. Implementing a fee structure of \$225 per dealership and \$.338 per vehicle sold or distributed by a manufacturer or distributor, with a minimum of \$225. This would represent a 25% reduction for dealers and a 25% reduction for manufacturers and distributors from the current structure. Staff projected the Board's surplus would be \$1,533,000 in Fiscal Year 05-06 under this plan.
3. Implementing a fee structure of \$200 per dealership and \$.030 per vehicle sold or distributed by a manufacturer or distributor, with a minimum of \$200. This represents a 33% reduction for dealers and a 33% reduction for manufacturers and distributors from the current structure. Staff projected that the Board's surplus in FY 05-06 would be \$923,000 under this plan.

In addition, when the proposed text of the amendments to section 553 was considered and approved by the Board at the January 18, 2001, Board meeting, Board President, Robert T. (Tom) Flesh invited and encouraged the submission of written and oral comments. Furthermore, Mr. Flesh indicated that the Board instructing staff to go forward with the proposed rulemaking, did not necessarily indicate final Board action. If any written or oral comments were received, the full Board would consider the comments and reconsider the text of the proposed rulemaking. Lastly, if the staff decided that modifications to the proposed text were necessary, the Board would consider those modifications at a noticed meeting. If there were no written or oral comments received, then the rulemaking process will proceed without further Board involvement.

CONTACT PERSON/BACKUP CONTACT PERSON

Please direct inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to:

Mike Dingwell, Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
Telephone: (916) 445-2080

In the event the Contact Person is not available, inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based may be directed to the following Backup Contact Person:

Robin P. Parker, Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
Telephone: (916) 445-2080

AVAILABILITY OF INFORMATION VIA THE INTERNET

Information regarding the proposed amendments may be obtained from the Board's web site: www.nmvb.ca.gov after July 1, 2001.

STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The express terms of the proposed action are written in plain English and are available from the contact person named in this notice. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline to indicate additions, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and the location of public records, including reports, documentation, and other materials, related to the proposed action.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and public hearing, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Board adopts the resulting regulation. Requests for copies of a modified regulation should be addressed to the Board contact person identified in this notice. The Board will accept written comments on the modified regulation for 15 days after the date on which it is first made available to the public.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons may be directed to the Contact Person or the

Backup Contact Person listed in this Notice, or may be obtained from the Board's web site: www.nmvb.ca.gov after July 1, 2001.

TITLE 14. DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

TITLE 14. NATURAL RESOURCES DIVISION 6. RESOURCES AGENCY ARTICLE 2. GENERAL PROVISIONS

NOTICE IS HEREBY GIVEN that the Department of Conservation (Department), pursuant to rulemaking authority granted by section 65570 of the Government Code, in order to implement section 16144 of the Government Code, proposes to amend section 14111, adopt Form 104 and 106, and amend certain existing forms in Title 14, California Code of Regulations ("CCR") relating to the Open Space Subvention Act annual reporting process.

PUBLIC HEARING SCHEDULED

August 21, 2001
1:00 a.m.
Department of Conservation
Renaissance Tower
801 'K' Street, 16th Floor Main
Conference Room
Sacramento, California 95814

The hearing room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed to Tim Bryant, Division of Land Resource Protection, 801 'K' Street, MS 13-71, Sacramento, CA, 95814, no later than 5:00 p.m., August 21, 2001, or may be submitted at the hearing. During the 45-day comment period, written comments may also be sent to Tim Bryant (1) via electronic mail at tbryant@consrv.ca.gov or (2) via fax (916) 327-3430.

CONTACT PERSON

Nonsubstantive inquires concerning this action, such as requests for copies of the text of the proposed regulations, may be directed to Jacquelyn Ramsey at (916) 324-0850. The backup contact person for this rulemaking file is Tim Bryant, who may be contacted

at (916) 322-5955. Inquires regarding the substance of the proposed regulations may be directed to Tim Bryant.

INFORMATION IS AVAILABLE UPON REQUEST

Copies of the express terms of the proposed action, the forms to be incorporated by reference, the initial statement of reasons and all of the information upon which this proposal is based are available upon request. The rulemaking file is available to the public for review during normal business hours at the Division of Land Resource Protection, 801 "K" Street, 13th Floor, Sacramento, California. In addition, the above-cited materials may be accessed on the Department's website at www.consrv.ca.gov/dlrp/LCA/index.htm.

ARTICLE 2. General Provisions

§ 14111. Material to Accompany Application Reports

Section 14111 (b) currently incorporates by reference the thirteen forms that comprise the application for open space subventions. Amending this section is necessary to reflect the addition of new forms. The forms will be renumbered and three new forms will be added to the list of forms that are incorporated by reference. After renumbering, the new forms are identified as 104, 106 and 112.

Changes to Existing Forms

The existing application does not allow nor require local governments to report the status of their "Urban" farmland security zone contracted land as "Prime" or "Nonprime" land. The following changes are needed to capture farmland security zone contracted land that is considered "Urban" and meets the Williamson Act definition of "Prime" or Nonprime" land. A column labeled farmland security zone "Urban Prime" will be included on Forms 101, 102A, 103, 104, 105, 106, 107, 108, 109, 110, 111 and 113. A column on the above forms will be relabeled as "Urban Nonprime".

Adopting the new form identified as Form 106 (4/01) necessitates a corresponding change to Form 102A. A row labeled "Nonrenewal Decade Shift" will be added to Form 102A. This new row is necessary to carry forward and summarize the data provided in Form 106 (4/01).

Adopting the new form identified as Form 112 (4/01) necessitates a corresponding change to Form 102. A row labeled "Easement Exchange" will be added to Form 102. This new row is necessary to carry forward and summarize the data provided in Form 112 (4/01).

New Form—Form 104 “Transfers—Farmland Security Zone Contracts”

A new form identified as Form 104 (4/01) is added and incorporated by reference to allow the parcel-by-parcel tabulation of enrollment acreage that has transferred from an existing 10-year Williamson Act contract to a 20-year farmland security zone contract. This new form is necessary since the existing application fails to directly account for the creation of farmland security zone contracts through the rescission of an existing Williamson Act contract. These so called “FSZ Transfers” are a new type of enrollment change that account for the establishment of most farmland security zone contracts. As such, “FSZ Transfers” need to be accounted for in the application.

New Form—Form 106 “Nonrenewal Decade Shift—Farmland Security Zone Contracts”

A new form identified as Form 106 (4/01) is added and incorporated by reference to allow the parcel-by-parcel tabulation of farmland security zone acreage that has been under nonrenewal for more than ten years. As of January 1, 2000, farmland security zone contracts remain eligible for subventions during the first ten years of nonrenewal. This new form is necessary since the existing application does not account for shifts in subvention eligibility for farmland security zone contracts under nonrenewal.

New Form—Form 112 “Williamson Act Easement Exchange”

A new form identified as Form 112 (4/01) is added and incorporated by reference to allow the parcel-by-parcel tabulation of enrollment acreage that has been cancelled pursuant to the Williamson Act Easement Exchange Program. This new form is necessary since the existing application does not reflect the cancellation of contracts through the Easement Exchange Program.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Open Space Subvention Act of 1971 partially reimburses local governments for administrative costs and foregone tax revenue resulting from participation in the Williamson Act and other enforceable restriction programs. The Secretary of the Resources Agency, as provided by Government Code section 12824, has delegated to the Department of Conservation (Department) the primary responsibility for the administration and enforcement of the Open Space Subvention Act (OSSA) and the regulations promulgated thereunder. Consequently, the Department has adopted regulations, in accordance with the requirements specified in the Administrative Procedure Act, necessary to establish requirements for implementing the Open Space Subvention Act.

The procedure for reimbursing participating local governments is outlined in the OSSA and further clarified in the regulations adopted by the Department. Local governments annually report to the Department the number of acres of land under their regulatory jurisdiction that are eligible for subvention reimbursement. Upon receiving the eligibility information, the Department records the enrollments changes, verifies the accuracy of the reported acreage data, and certifies the subvention entitlement amount to the Controller’s Office. The Controller disburses the subvention payments to counties and cities from the General Fund of the State of California. Under existing law, local governments are to report to the Department using an application supplied by the Department.

The objective of amending the regulations as proposed is to update the application. The OSSA payment formula was changed with the enactment of Senate Bill 649 (Costa) on January 1, 2000. Corresponding changes are needed in the forms to account for the new payment formula. Similarly, with the addition of the farmland security zone provisions of the Williamson Act, new types of contracts and enrollments changes are possible. The proposed regulation amendments will permit local governments to report the new contracts and enrollment changes.

Amending the regulations as proposed will facilitate the preparation of the biennial Williamson Act Status Report. Current law requires the Department to prepare a biennial report containing information on the number of acres under contract in each category, the acres of land removed from contract through the various means of contract termination, and other specific information related to cancellations and nonrenewals. Since the Report is compiled using data supplied in the subvention applications, updating the application will allow the Department to meet its legislative mandate.

The existing subvention application is comprised of thirteen forms: 100, 101, 102, 102A, 103, 104, 105, 106, 107, 108, 109, 110, and 111. These forms are incorporated by reference in the Department’s regulations (§ 14111) and were last revised May, 2000.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Department has made the following initial determinations:

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations will not affect small business. The regulations do not regulate small business: they do not require reports, affect costs, etc.

- Significant statewide adverse economic impact directly affecting business, including the ability of

California businesses to compete with businesses in other states: None. The proposed regulatory change will affect only local governments that participate in the Open Space Subvention Act and offer farmland security zone contracts.

- Adoption of these regulations will not: 1) create or eliminate jobs within the State of California, (2) create new business or eliminate existing businesses within the State of California, or (3) affect the expansion of businesses currently doing business in California.
- Cost impacts on representative private person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

FISCAL IMPACTS

- Costs or savings to state agencies or costs/savings in federal funding to the State: None.
- Effect on Housing Costs: None.
- Local Mandate: None. The Williamson Act and Open Space Subvention Act are voluntary programs; as such, the Department has determined that the proposed action imposes no mandate upon local agencies or school districts.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs/savings imposed upon local agencies: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TECHNICAL, THEORETICAL, OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS

The Department did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the above amendments.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing, the Department will adopt the regulations without further notice. However, if the Department chooses to substantially alter or revise the proposed regulatory action, a revised notice,

called a renote, and the amended version of the proposed text of the regulations will be made available to the public for another public comment period for fifteen (15) days. Only persons who have provided their names and addresses to the Department and were present at the hearings, submitted written or oral comments, or requested notification of amendments to the regulations, will be sent any renotes.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 5510, 8389, 8553 and 8555 of the Fish and Game Code and to implement, interpret or make specific sections 7850, 7850.5, 8043, 8053, 8389 and 8550–8556 of said Code, proposes to amend Section 164, Title 14, California Code of Regulations, relating to harvesting of herring eggs on kelp.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under existing law, herring eggs on kelp may be taken for commercial purposes only under a revocable, nontransferable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations specify: permit limitations; season; fishing area; permittee categories and qualifications; permit conditions; royalty fees; permit application procedures; permit performance deposit requirements; gear, fishing and harvesting restrictions; fishing quotas; landing and processing requirements; and permit suspension conditions and procedures. In addition, current regulations limit the number of permits that can be issued.

The proposed regulatory changes will establish fishing quotas for the 2001–02 herring eggs on kelp fishing season. Individual herring eggs on kelp quotas will depend on the quota for San Francisco Bay established by the Fish and Game Commission under Section 163, Title 14, CCR. The proposed fishing quota for San Francisco Bay is 4,476 tons (12 percent of the estimated spawning biomass for the 2000–01 season); this results in a 7.9-ton individual herring eggs on kelp quota for a “CH” permittee and a 2.1-ton individual quota for a non-“CH” gill net

permittee. This represents an increase in individual quota from the 2000–01 season of 39 percent and 38 percent, successively, for a “CH” and non-“CH” gill net permittee, respectively.

Existing regulations do not define fishing, harvesting and/or processing as they pertain to the herring eggs on kelp fishery. The permittees have requested from the department the ability to hire workers to assist in the processing of herring eggs on kelp. Sections 7850 and 7850.5 of the Fish and Game Code describe those required to obtain a commercial fishing license and those who fall under nonapplicability. It is the goal of the Department of Fish and Game (Department) in defining fishing, harvesting, and processing for the herring eggs on kelp fishery that a person engaged in the act of fishing and/or harvesting be required to hold a commercial fishing license, and that a person employed to process herring eggs on kelp product will not be required to hold a commercial fishing license. The following are the proposed definitions for the purposes of the herring eggs on kelp fishery:

- “Fishing” means the act of suspending giant kelp (*Macrocystis pyrifera*) for the purposes of taking herring eggs, and/or the subsequent act of removing herring eggs on kelp from the water for the purposes of transport or harvest.
- “Harvesting” means the act of removing herring eggs on kelp from the water for the purposes of processing for sale and/or transport to market.
- “Processing” means the act of separating or removing kelp blades (with herring eggs attached) from the stipe of harvested herring eggs on kelp, and loading the processed blades into bins or totes.

A prior permittee is currently defined as any applicant who held a herring eggs on kelp permit and actively fished during the immediately preceding herring eggs on kelp season. The definition of “actively fished” has not been established within these regulations. The proposed regulatory language would establish a prior permittee as an applicant who:

- has met all the requirements under subsection (g) of these regulations, and,
- suspended kelp for herring eggs on kelp fishing during the immediately preceding herring eggs on kelp season.

In the current regulations, subsection (j)(2), Harvesting, Landing and Processing Requirements, establishes the requirement that a permittee notify the Department’s San Francisco Bay Area Marine Region office prior to the suspension of kelp on a raft and/or lines. The permittees have requested that the notification of kelp suspension requirement be eliminated from the regulations. The Department does not support the elimination of this regulation. The Department

proposes, however, that the notification of kelp suspension requirement be moved in the regulations to subsection (i), Method of Take. This regulation was established to facilitate management of the herring eggs on kelp fishery, and is considered by the Department to be a useful tool for cooperative management and biological research of the fishery. Therefore, the regulation requiring notification of kelp suspension may be more accurately addressed by inclusion in subsection (i) than in its current location in subsection (j)(2).

Other changes relating to kelp suspension and Herring-Eggs-on-Kelp Monthly Landings and Royalty Report form are recommended to provide for the efficient operation and orderly conduct of the fishery, improve the clarity of the regulations and for the protection of the resource. The following is a summary of those proposed changes.

- Require that the permittee provide a local facsimile number or mailing address where in-season kelp suspension notification confirmation could be sent.
- Revise the Herring-Eggs-on-Kelp Monthly Landing and Royalty Report form number as referenced in the regulations due to Department revisions to clarify and simplify the form.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street on Saturday, August 4, 2001 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Hall/City Council Chambers, 735 Anacapa Street, Santa Barbara on Friday, August 24, 2001 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Friday, August 17, 2001 at the address given below, or by fax at (916) 653-5040, or by e-mail to jduffy@dfg.ca.gov, but must be received no later than August 24, 2001, at the hearing in Santa Barbara. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding address or phone number. Susan Ashcraft,

Marine Region, Department of Fish and Game, phone (650) 631-6786 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed action is based on regulations that are already in place. The average quota over the history of the herring eggs on kelp fishery in San Francisco Bay (twelve seasons) is 114.8 tons per permit. The proposed quota is significantly less than the long-term average, and thus, in comparison to the long term average, will have a negative economic impact on individual fishermen in the short-term. However, there is no guarantee that the quota will be caught; the herring eggs on kelp quota has only been reached in three seasons (i.e., 97.4, 99.7 and 100 percent of the quota was harvested in the 1989–90, 1993–94 and 1995–96 seasons, respectively). When compared to last season's catch (26.5 tons), the proposed 4,476 ton quota for San Francisco Bay would represent a 34 percent increase (79 tons). The proposed increase in the San Francisco Bay quota (compared to the 2000–01 season quota) may have a significant, but unquantifiable, positive impact on the buyers of herring eggs on kelp and possibly on some

business that provide goods and services to the permittees. In the long-term, there is a balance between seasons when resource abundance and fishing quotas are low and seasons when resource abundance and finishing quotas are high.

The proposed language to define fishing, harvesting and processing as they pertain to the herring eggs on kelp fishery is expected to have no economic effect on the permittees.

The proposed language to redefine a prior permittee may have an impact on permittees who would otherwise choose not to suspend kelp for the current season. This impact will be offset in the long-term as the permittee will maintain prior permittee status and be allowed to participate in the fishery.

The proposed amendment to move suspension notification to subsection (i), Method of Take, and require the permittee to provide a local fax number or mailing address is not expected to have an economic impact as many permittees already provide this information.

The proposed revision of the Herring Eggs on Kelp Monthly Landing and Royalty Report form and form number are not expected to negatively impact herring buyers or fishermen.

The proposed corrections in the citations of sections of the Fish and Game Code or Title 14 are being made for the sake of clarity and will not have an economic impact.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 1050, 5510, 8550 and 8553 of the Fish and Game Code and to implement, interpret or make specific sections 8043, 8550, 8552, 8552.6, 8553, 8554, 8555, 8556, 8557 and 8559 of said Code, proposes to amend sections 163 and 163.5, Title 14, California Code of Regulations, relating to the herring fishery.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under existing law, herring may be taken for commercial purposes only under a revocable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations specify: permittee qualifications; permit application procedures and requirements; permit limitations; permit areas; vessel identification requirements; seasons; fishing quotas; gear restrictions; and monitoring and landing requirements.

The proposed regulatory changes will establish fishing quotas by area for the 2001–02 herring fishing season, based on the most recent assessments of the spawning populations of herring in San Francisco and Tomales bays. The proposed fishing quota in San Francisco Bay is 4,476 tons (12 percent of the 37,300-ton estimated spawning biomass for the 2000–01 season). An initial 300-ton fishing quota (7 percent of the 4,196-ton estimated spawning biomass) is proposed for Tomales Bay with provisions to increase the quota in season if escapement goals are achieved by February 15, 2002. This season, the recommendation for in-season increases is as follows:

- If the spawning escapement is more than 3,000 tons, increase the quota to 400 tons.

- If the spawning escapement is more than 4,000 tons, increase the quota to 500 tons.

The proposed amendment specifies that the length of the meshes of any gill net used or possessed in the roe fishery in Tomales Bay, for the 2001–02 season only, shall be no less than 2 inches or greater than 2 ½ inches. The proposed one-year continuation of the regulation, enacted for the 2000–01 season only, will allow the Department to continue to evaluate the effect of reduced mesh length on the size and age composition of herring caught in 2 inch mesh gill nets.

The proposed regulatory change will provide for one permittee to serve as a temporary substitute on a second permit while simultaneously fishing his or her own permit on a single vessel within the same fishing group. It also specifies that the permittee who is serving as a temporary substitute while simultaneously fishing his or her own permit shall incur the same penalties on his or her permit for all violations as those incurred against the permit for which he/she is serving as temporary substitute.

The proposed regulations address nighttime noise created by fishing activity along waterfronts bordering residential properties. The proposed regulations establish that during the hours of 10:00 p.m. to 7:00 a.m., noise reduction measures will be implemented by herring gill net vessels when fishing within 500 feet of any shoreline adjacent to residential dwellings. Noise reduction measures are those developed by the herring fishing industry, and approved by the Department. Examples of voluntary noise reduction measures include, but are not limited to, noise dampening devices for shakers and anchor chains, muffled engine exhaust systems, limited use of deck speakers, and/or reduced speed within 500 feet of shore.

Other changes relating to the Department of Fish and Game (Department) seasons, permit suspensions, buoy markers, gill net measuring device specifications, quota allotments and minor editorial changes are recommended to improve the clarity of the regulations or provide for the efficient harvest and orderly conduct of the fishery and for the protection of the resource. The following is a summary of those proposed changes in sections 163 and 163.5, Title 14, CCR.

- Set the dates of the roe herring fisheries in San Francisco Bay from 5:00 p.m. on Sunday, December 2, 2001 to noon on Friday, December 21, 2001 (“DH” gill net platoon only), and from 5:00 p.m. on Wednesday, January 2, 2002 to noon on Friday, March 22, 2002.
- Set the dates of the roe herring fishery in Tomales Bay from 5:00 p.m. on Wednesday, December 26, 2001 until noon on Friday, December 28, 2001, and from noon on Wednesday, January 2, 2002 to noon on Friday, March 8, 2002.

- Require that gill net buoy markers be composed of rigid or non-collapsible material.
- Remove references in Sections 163 and 163.5 to round haul gear other than those regulations prohibiting the use of round haul gear.
- Clarify the method of measuring gill nets to specify that a peg or nail of no more than $\frac{5}{32}$ inch in diameter will be used on certified measuring boards.
- Require fish buyers to take a sample of herring for roe testing purposes from every single boat load after the load has been weighed and recorded.
- Clarify that a permittee whose permit is suspended for a period less than an entire season is prohibited from participating in any herring fishery in the State for the period of time that the permit has been suspended.
- Prohibit, during the San Francisco Bay herring fishery season, the use of seal bombs or explosives commonly used as marine mammal deterrent devices.
- Transfer 10 tons of quota from the underutilized herring fresh fish fishery to the gill net fishery for use in a gill net mesh size study, for the 2001–02 season only.
- Make minor editorial revisions.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street on Saturday, August 4, 2001 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Hall/City Council Chambers, 735 Anacapa Street, Santa Barbara on Friday, August 24, 2001 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Friday, August 17, 2001 at the address given below, or by fax at (916) 653-5040, or by e-mail to jduffy@dfg.ca.gov, but must be received no later than August 24, 2001, at the hearing in Santa Barbara. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding address or phone number. Susan Ashcraft,

Marine Region, Department of Fish and Game, phone (650) 631-6786 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed changes regarding seasons, control of nighttime noise, permit suspensions, quota allocations, net buoys, measuring devices, and minor editorial changes are not expected to have a significant statewide adverse economic impact on businesses.

The average quota over the history of the San Francisco Bay roe herring fishery (29 seasons) is 6,023 tons. The average quota over the most recent five years has been lower than this (5 season average is 4,528 tons). The proposed quota (4,476 tons) is 25 percent less than the long term average, and thus, in comparison to the long-term average, the proposed decrease in the fishing quota for San Francisco Bay will have a negative impact on some individual fishermen in the short-term. However, the proposed quota is close to the average over the past five years, which reflects appropriate quota levels relative to current population trends. Thus, in comparison to the average from recent years, the proposed quota for San Francisco Bay will not have a negative impact on individual fishermen. Relative to the reduced quota in 2000–01, the proposed quota for San Francisco Bay represents an increase in quota which will have a significant but unquantifiable

positive short-term impact on some individual fishermen. Despite this, there is no guarantee that the quota will be caught. In the 1997–98 season, only 20 percent of the quota was caught. All of the quota was caught in the 1998–99 and 2000–01 seasons, but in the 1999–00 season, only 62 percent of the quota was caught. The proposed gill net quota for San Francisco Bay represents a 39 percent increase from last year’s quota (2,740 tons), and a 33 percent increase relative to last year’s catch (2,991 tons). The proposed increase in the San Francisco Bay quota (compared to the 2000–01 season quota) will have a significant, but unquantifiable, positive short-term impact on herring buyers, and possibly to some small businesses that provide goods and services to the fishing fleet and buyers. Gains in revenue will depend on the ex-vessel price for the season and the quantity and quality of an individual’s landings. The increased revenues for the eleven permittees who transfer their quota to the herring eggs on kelp fishery are significant but unquantifiable (compared to the 2000–01 season quota). Any negative impacts relative to the long-term average quota are balanced in the long-run by years when resource abundance and fishing quotas are high.

The proposed action for the Tomales Bay herring fishery will not have a significant statewide adverse economic impact affecting business, including the ability of California businesses to compete with businesses in other states. The proposed initial quota of 300 tons is not expected to have a significant negative impact on individual fishermen and herring buyers. In recent years, the initial quota has been based on 10 percent of the previous seasons spawning biomass. The proposed initial catch quota of 300 tons is conservatively based upon 7 percent of the estimated spawning biomass from the 2000–01 season. The reason for setting the initial quota at 7 percent of the spawning biomass this year, as opposed to 10 percent is that high exploitation rates have sometimes occurred after high biomass seasons. The Department decided a more pro-active and conservative initial quota for the 2001–02 season may prevent a possible over-exploiting the Tomales Bay herring population. The goal is to help to ensure a stable spawning population for the future.

When compared with the commercial catch over the past nine years, only once (1995–96 season) has the Tomales Bay catch exceeded 300 tons. In the 2000–01 season, the commercial catch was 298 tons, which exceeded the season’s initial quota of 200 tons, but was only 75 percent of the

in-season increased quota of 400 tons. The lower initial quota based on 7 percent is unlikely to have an adverse economic impact. The proposed regulations contain provisions for increasing the quota in-season if spawning escapement goals are achieved. The provisions for in-season quota increases are a valuable fisheries management tool that provide flexibility to managing the fishery based on the size of the current spawning population. The provisions support the conservation of the resource and reflect the possible economic benefit of allowing a higher catch if the resource is abundant enough to withstand the fishing pressure. The proposed action will have an unquantifiable impact on some small businesses that provide goods and services to the fleet. In the long-term, these impacts are balanced by the positive economic returns that accrue in those years when resource abundance and fishing quotas are high.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 8591 and 8842 of the Fish and Game Code and to implement, interpret or make specific sections 1700 and 8590–8595 of said Code, proposes to amend Section 120, Title 14, California Code of Regulations, relating to Prawn or Shrimp Trawling

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under existing law (Section 120, Title 14, CCR) pink shrimp may be taken for commercial purposes only under a revocable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations state the qualifications of pink shrimp permittees, the cost of pink shrimp trawl permits, permit areas, season dates, gear specifications and limitations, limits on incidentally caught fish, maximum shrimp count per pound, fishing activity records, permit conditions and the revocation of permits. The existing regulations specify that the gear used for the capture of shrimp or prawns shall be an otter trawl or beam trawl net and that the mesh size of any webbing used on or with the beam or otter trawl shall not be less than 1 3/8 inches measured inside the knots.

The proposed regulations mandate the use of an approved Bycatch Reduction Device (BRD) on all trawl nets used in the pink shrimp trawl fishery and specify the BRDs that are approved by the Department. Additionally, the proposed regulations provide for the testing and use of experimental BRDs under permit issued by the Department's Marine Region Manager. Experimental BRDs must meet minimum design criteria as described for approved BRDs. Experimental BRD testing would be required to follow regulatory guidelines. The permitted vessel must provide approved observer coverage when using the experimental BRD. Experimental BRD permits will expire at the end of the season for which it is issued.

Each alternative provides for the voluntary use of a BRD and the mandate of BRD use should the incidental take of groundfish by the regional pink shrimp fishery meet or exceed any groundfish catch allocation established by the Pacific Fishery Management Council. The use of experimental BRDs is provided for in one of the alternatives.

The three approved BRDs by the Department are those commonly known as the Nordmore Grate, the Soft-Panel excluder and the Fisheye excluder. These

devices are described as follows: The Nordmore Grate. The grate consists of a rigid or semi-rigid vertical bar separating grate to guide fish out of an escape hole in the top of the net. The device may also include a funnel used to concentrate catch near the bottom of the grid for efficient sorting. Funnels are not a required component of a Nordmore grate. An approved grate must meet the following criteria: 1) The rigid or semi-rigid panel must completely cover some portion of the net in diagonal cross-section. 2) None of the openings between the vertical bars in a Nordmore grate may exceed 2 inches. 3) The escape hole must, when spread open, expose a hole at least 100 square inches in surface area. This is equivalent to cutting 10–12 meshes in a straight line. 4) The escape hole must be in front of the panel and end. The escape hole must end within four meshes of the point at which the rigid or semi-rigid panel connects to the main net at its farthest back point (forward of the BRD). The Soft-Panel Excluder. This device uses a mesh panel to guide fish out of an escape hole. An approved soft-panel BRD must satisfy the following criteria: 1) The panel meshes must be constructed of net material with individual meshes no larger than 6 inches (stretch measure). 2) The panel must completely cover some portion of the net in diagonal cross-section. Partial panels are not allowed. 3) The escape hole must, when spread open, expose a hole at least 100 square inches in surface area. This is equivalent to cutting 10–12 meshes in a straight line. 4) The escape hole must end within four meshes of the point at which the rigid or semi-rigid panel connects to the main net at its farthest back point (forward of the BRD). The Fisheye Excluder. This device functions as a simple forward facing escape hatch that is maintained by a rigid frame. An approved fisheye BRD must meet the following criteria: 1) The escape hole must be forward facing, i.e., a fish must swim towards the mouth of the net to exit through the fisheye, and be located forward of the BRD. 2) The device must be placed on the top of the codend, no further forward than 84 codend meshes, counted from the pursing rings. 3) The escape hole must meet the following dimensions: height equal to no less than 6 inches and width equal to no less than 10 inches.

In order to facilitate the compliance and enforcement of the proposed regulation, the Department proposes to restrict the nets allowed in possession of a vessel participating in the pink shrimp trawl fishery to only those shrimp trawl nets that include approved excluder devices. Additionally the Department proposes to disallow removing trawl nets from a pink shrimp trawl vessel prior to the offloading of pink shrimp to facilitate regulation enforcement. The proposed regulation provides for disabling of BRDs

between 3 and 6 p.m. each day to determine whether the devices are working properly and to facilitate regulation enforcement.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in City Hall/City Council Chambers, 735 Anacapa Street, Santa Barbara, CA on Friday, August 24, 2001, at 8:30 a.m. or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 17, 2001 at the address given below, or by fax at (916) 653-5040, or by e-mail to jduffy@dfg.ca.gov, but must be received no later than August 24, 2001, at the hearing in Santa Barbara CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding address or phone number. LB Boydstun, Department of Fish and Game, phone (916) 653-6281 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: There will be a cost of less than about \$500 to modify each existing pink shrimp trawl net to install an approved BRD as described in the proposed regulations. Each vessel owner, therefore, may incur a one-time cost of about \$1000, assuming each owner operates two nets during the season. Each vessel will also lose some finfish landings due to the BRD. For example, during the 2000 pink shrimp season California pink shrimp fishermen landed 6.1 metric tons (mts) of finfish while landing 1,095 mt of pink shrimp. Assuming equal value of pink shrimp and finfish in the landings (about 50 cents per pound), the loss is estimated to be less than 1% of the total value of the catch, or about \$66 per vessel (based on a 100-vessel fleet). The cost of not requiring a BRD could be devastating to the fleet. In most recent years, the West Coast pink shrimp fleet has landed over 10 mt of canary rockfish per season, which is nearly double the allocation of canary rockfish to the pink shrimp fleet beginning in 2001. Thus, the actual cost of not requiring the devices—if the fishery is closed down due to canary rockfish impacts—could exceed \$60,000 per vessel (this is computed using 2000 season data and assuming the allowable catch by 100 vessels would be cut in half).
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 202, 355 and 356 of said Code, and part 20, Title 50, Code of Federal Regulations, as amended July 21, 1987, 52 Fed. Reg. 27352, proposes to amend sections 502, 507(c) and 507.1, Title 14, California Code of Regulations, relating to Waterfowl, Migratory; American Coot and Common Moorhen (Common Gallinule), Prohibition on Electronic or Mechanically-operated Devices and Nontoxic Shot Requirement for Waterfowl, American Coot and Common Moorhen Hunting.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 502, relating to Waterfowl, Migratory; American Coot; and Common Moorhen (Common Gallinule)

The proposed changes in goose regulations simplify the goose hunting regulations in response to the improved status of Aleutian Canada geese. Existing regulations section (502 (a)(1),(d)(1) and (e) prohibit hunting for the Aleutian Canada goose subspecies. This proposal reduces regulation complexity due to the similar appearance of Aleutian and cackling Canada geese, and allows a definition of "small" Canada geese that is more practical.

The proposed change in Section 502(b)(1), the Northeastern California Zone definition, allows for greater hunting opportunity in two relatively small areas in response to public input. The two areas that would now be included in the Balance of the State Zone rarely have wetlands naturally flooded by the early opening date in the Northeastern California Zone. These areas would now open later and close later in the Balance of the State Zone and provide greater hunter opportunity.

The proposed change in Section 502(f)(1)(B), the falconry season length in the Northeastern California Zone, reduces the number of days that migratory birds are hunted in this zone in compliance with Federal regulations.

The proposed changes in Section 502(d)(1)(C), (2)(C), (3)(C), (4)(C), and (5)(C) would reduce the bag limit on mallards to three with no more than one hen for all zones. This proposed change would reduce harvest on local mallards if reductions in harvest are recommended and if spinning wing decoys are not regulated (i.e. no change in Section 507(c)). This alternative could be recommended if harvest rates from the 2000–01 hunting season are relatively high, and the California mallard breeding population declines substantially in 2001.

Section 507(c), relating to Prohibition on Electronic or Mechanically-operated Devices.

The increasing use of a new device for waterfowl hunting may be resulting in high harvest rates of mallards that nest in California. Analyses of mallard harvest data from the 2000–2001 hunting season and current-year estimates of the mallard breeding population will be conducted during May. Further indications of higher than normal harvest and a reduction in the local mallard nesting population may warrant regulations to further reduce mallard harvest. Four alternatives are proposed regarding the possible regulation of spinning wing and spinning blade decoys. One of these alternatives (Alternative 1) would prohibit the use of electronic or mechanically-operated spinning blade or spinning wing decoys when attempting to take migratory waterfowl at any time. The second alternative (Alternative 2) would prohibit the use of these devices when attempting to take migratory waterfowl between the start of waterfowl season and December 1. The third alternative (Alternative 3) would retract this proposed change should the estimated breeding population not decline in 2001 and if harvest rates were not higher during the 2000–2001 hunting season. The harvest rate and breeding population information will be available in June, 2001. The fourth alternative (Alternative 4) would also retract the proposed change, but would instead amend Section 502 by changing bag limit to reduce harvest in response to a decline in breeding population and relatively high harvest rates during the 2000–2001 hunting season.

Section 507.1, relating to Nontoxic Shot Requirement for American Coot and Common Moorhen Hunting.

The existing regulation, Section 507.1, states that only steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service (Service) may be used or possessed for waterfowl, American coot and common moorhen hunting statewide. The proposed change

identifies all currently approved nontoxic shot types while maintaining language which would allow for additional nontoxic shot types if approved at any time by the Service.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, Ca on Saturday, August 4, 2001 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in City Hall/City Council Chambers, 735 Anacapa Street, Santa Barbara, Ca on Friday, August 24, 2001 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Friday, August 17, 2001 at the address given below, or by fax at (916) 653-5040, or by e-mail to jduffy@dfg.ca.gov, but must be received no later than August 24, 2001, at the hearing in Santa Barbara, Ca. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding address or phone number. Dave Zezulak, Chief, Wildlife Programs Branch, Department of Fish and Game, phone (916) 653-1921 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time

periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

Section 502. The proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. This alternative affects species bag composition only and does not affect products used to take waterfowl.

Section 507(c). The proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. Alternative 1 would prohibit the use of mechanical or electronic spinning blade or wing decoys in California and would eliminate that portion of sales of this product intended for use in California. Hunting and sporting goods businesses would be affected to the degree sales of these devices comprise total sales of all products for respective businesses. There would likely be no reduction in sales or manufacturer of the devices for use in the 48 other states where they are not prohibited. Alternatives 2 and 3 providing for no change or a reduced period of use of mechanical or electronic spinning blade or wing decoys in California, would not likely reduce sales of the devices for use in California nor result in a manufacturing decline for the devices.

Section 507.1. The proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The proposed change is in definition and does not affect the hunting season.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: Alternative 1 would prohibit the use of mechanical or electronic spinning blade or wing decoys in California and would eliminate that portion of sales of this product intended for use in California. Hunting and sporting goods businesses would be affected to the degree sales of these devices comprise total sales of all products for respective businesses. There would likely be no reduction in sales or manufacturer of the devices for use in the 48 other states where they are not prohibited. Alternatives 2 and 3 providing for no change or a reduced period of use of mechanical or electronic spinning blade or wing decoys in California, would not likely reduce sales of the devices for use in California nor result in a manufacturing decline for the devices.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 16. BUREAU OF BARBERING AND COSMETOLOGY

NOTICE IS HEREBY GIVEN that the Bureau of Barbering and Cosmetology is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer

Affairs, 400 R Street, 1st Floor Hearing Room, Sacramento, California, 95814 at 10:00 a.m., on August 20, 2001. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau of Barbering and Cosmetology at its office not later than 5:00 p.m. on August 20, 2001 or must be received by the Bureau of Barbering and Cosmetology at the hearing. The Bureau of Barbering and Cosmetology, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 7312 and 7407 of the Business and Professions Code, and to implement, interpret or make specific Sections 7312(e), 7406, and 7409 of said Code, the Bureau of Barbering and Cosmetology is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 7312(e) requires the Bureau of Barbering and Cosmetology (Bureau) to adopt rules governing sanitary conditions and precautions to be employed as are reasonably necessary to protect the public health and safety. Business and Professions Code Section 7407 requires the Bureau to establish by regulation a schedule of administrative fines for violations of this chapter.

These regulations will add Section 980.1 to and amend Section 974 of Title 16 of the California Code of Regulations to clarify and make specific proper cleaning and disinfecting procedures for whirlpool footspas, and to provide for an administrative fine for violations. The adoption of this section is in response to a recent outbreak of skin boils among pedicure customers whose services included use of whirlpool footspas that had not been properly cleaned or disinfected. These regulations will protect consumers by eliminating the risk of further threats to public health.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies:
None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

Cost of cleaning and disinfection supplies is minimal. Businesses are already required to clean and disinfect supplies and equipment. This change is clarifying existing requirements.

Impact on Jobs/New Businesses: The Bureau of Barbering and Cosmetology has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Effect on Housing Costs: None

Cost Impact on Representative Private Person or Business: The Bureau of Barbering and Cosmetology is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Bureau of Barbering and Cosmetology has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Bureau of Barbering and Cosmetology must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau of Barbering and Cosmetology has prepared an initial statement of the reasons for the

proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau of Barbering and Cosmetology at 400 R Street, Suite 5100, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Tiffany Wetzel
Address: 400 R Street, Suite 5100
Telephone No.: (916) 324-8945
Fax No.: (916) 445-8893
E-Mail Address: tiffany_wetzel@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Tiffany Wetzel at (916) 324-8945.

The back-up contact person is Cindy Walton at (916) 327-6250.

Website Access: Materials regarding this proposal can be found at www.dca.ca.gov/barber.

TITLE 16. BUREAU OF BARBERING AND COSMETOLOGY

NOTICE IS HEREBY GIVEN that the Bureau of Barbering and Cosmetology is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 400 R Street, 1st Floor Hearing Room, Sacramento, California, 95814 at 10:00 a.m., on August 20, 2001. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau of Barbering and Cosmetology at its office not later than 5:00 p.m. on August 20, 2001 or must be received by the Bureau of Barbering and

Cosmetology at the hearing. The Bureau of Barbering and Cosmetology, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 15376 of the Government Code, and Section 7312 of the Business and Professions Code, and to implement, interpret or make specific Section 15376 of the Government Code, and Sections 7321, 7321.5, 7324, 7326, 7330, 7337, 7342, and 7391 of the Business and Professions Code, the Bureau of Barbering and Cosmetology is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 901 of the California Code of Regulations requires that the Bureau of Barbering and Cosmetology (Bureau) determine whether an applicant meets requirements for licensure the same day s/he is examined. Section 901 also requires that a license be issued the same day the applicant passes the examination.

This regulation will amend Section 901 of Title 16 of the California Code of Regulations to allow the Bureau to issue examination results and licenses to candidates within fifteen (15) working days, rather than on the same day the examination is taken. This amendment, while having minimal impact on licensees, will result in increased license security, and therefore protect the health and safety of the public by preventing a valid license from being used by an unlicensed person.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The Bureau of Barbering and Cosmetology has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: N/A

Impact on Jobs/New Businesses: The Bureau of Barbering and Cosmetology has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Effect on Housing Costs: None

Cost Impact on Representative Private Person or Business: The Bureau of Barbering and Cosmetology is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

The Bureau of Barbering and Cosmetology has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Bureau of Barbering and Cosmetology must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau of Barbering and Cosmetology has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau of Barbering and Cosmetology at 400 R Street, Suite 5100, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Tiffany Wetzel

Address: 400 R Street, Suite 5100

Telephone No.: (916) 324-8945

Fax No.: (916) 445-8893

E-Mail Address: tiffany_wetzel@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Tiffany Wetzel at (916) 324-8945.

The back-up contact person is Cindy Walton at (916) 327-6250.

Website Access: Materials regarding this proposal can be found at www.dca.ca.gov/barber.

NOTE: THE FOLLOWING NOTICES OF PROPOSED REGULATORY ACTION ARE BEING PUBLISHED PURSUANT TO GOVERNMENT CODE SECTION 11356(B) AND HAVE NOT BEEN REVIEWED BY OAL FOR COMPLIANCE WITH ARTICLE 5 (COMMENCING WITH SECTION 11346) OF CHAPTER 3.5 OF PART 1 OF DIVISION 3 OF TITLE 2 OF THE GOVERNMENT CODE. PURSUANT TO HEALTH AND SAFETY CODE SECTION 18935, THE BUILDING STANDARDS COMMISSION IS REQUIRED TO REVIEW THESE NOTICES FOR STATUTORY COMPLIANCE WITH ARTICLE 5 AND SUBMIT THEM TO OAL FOR THE SOLE PURPOSE OF INCLUSION IN THE CALIFORNIA REGULATORY NOTICE REGISTER.

**TITLE 24. BUILDING
STANDARDS COMMISSION**

NOTICE OF PUBLIC HEARING FOR PROPOSED
CHANGES IN BUILDING STANDARDS OF THE
CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC) REGARDING THE
ADOPTION OF THE 2000 UNIFORM
MECHANICAL CODE, CALIFORNIA CODE
OF REGULATIONS, TITLE 24, PART 4

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The CBSC is proposing to adopt The 2000 Uniform Mechanical Code (UMC) of the International Association of the Plumbing and Mechanical Officials (IAPMO).

PUBLIC HEARING

A public hearing has not been scheduled; however, written comments will be accepted from July 6, 2001 until 5:00 P.M. on August 20, 2001. Please address your comments to Michael L. Nearman, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. Written Comments may also be faxed to (916) 263-0959 or E-mailed to cbcs@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 18928, 18934.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928: Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee:

Authorizes the commission to adopt the most recent edition of the Uniform Plumbing Code.

Health & Safety Code Section 18928(b): Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee:

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5: Standards or administrative regulations for state buildings; adoption, approval, codification and publication:

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The existing 1998 California Mechanical Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 1997 Uniform Mechanical Code of the International Conference of Building Officials without amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make effective the 2000 UMC of IAPMO with necessary amendments to state owned buildings, to all occupancies identified pursuant to Health and Safety Code 18938 and to occupancies in the State, 180 days after the publication of the 2000 California Mechanical Code (CMC). This proposed action by the California Building Standards Commission will also make the 1998 CMC, inoperative for state owned buildings and for persons applying for a building permit upon the affective date of the 2001 CMC.

This proposed action will relocate existing California Administrative Standards to new sections for consistency with the 2000 edition of the UMC.

Comparable Federal Statute or Regulation

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

This proposed adoption of the most current edition of the Uniform Mechanical Code, makes applicable for state owned building projects, or any person

seeking a building permit, the most current edition of the UMC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UMC provides an up to date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the 2001 California Mechanical Code.

**OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS**

There are no other matters prescribed by statute applicable to the Building Standards Commission, or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- C. Cost to any school districts that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Note: California law, H&SC Section 18928 mandates the California Building Standards Commission to adopt the most current edition of model code.

Estimate: None

**INITIAL DETERMINATION OF SIGNIFICANT
STATEWIDE ADVERSE ECONOMIC
IMPACT ON BUSINESSES**

The CBSC has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The Building Standards Commission finds that provisions for the adoption of proposed changes to the 2000 edition of the UMC into the CMC, Part 4, Title 24 of the CCR would not require a report. This

regulation is intended to provide mechanical requirements for all occupancies throughout the State of California as prescribed.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESS

The Building Standards Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF THE EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CBSC has initially assessed whether or not and to what extent this proposal will effect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or cause the elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

These regulations will not effect the expansion of businesses currently doing business within the State of California.

The adoption is mandated by Health & Safety Code sections 18928 & 18934.5 and will have impact on the construction of state buildings, buildings constructed by the Trustees of the California State University and to the extent permitted by law to building design and construction by the Regents of the University of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COST

The California Building Standards Commission has determined that this proposed action would not have a significant affect on housing costs.

CONSIDERATION OF ALTERNATIVES

The California Building Standards Commission must determine that no reasonable alternative considered by CBSC, or that has otherwise been identified and brought to the attention of CBSC, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public preview by contacting the person named below:

CONTACT PERSON

CBSC: Michael L. Nearman
CBSC Back-Up: Stanley T. Nishimura
CBSC Address: 2525 Natomas Park Drive,
Suite 130,
Sacramento, CA 95833
CBSC Website: www.bsc.ca.gov
CBSC Telephone No.: (916) 263-0916
CBSC Facsimile No.: (916) 263-0959

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code Section 11346.9. This document will be available from the contact person named above.

QUESTIONS REGARDING THE SUBSTANCE OF THE PROPOSED REGULATIONS

Questions regarding the substance of the proposed regulations may be directed to the person named below.

CONTACT PERSON

CBSC: Michael L. Nearman
CBSC Back-Up: Stanley T. Nishimura
CBSC Address: 2525 Natomas Park Drive,
Suite 130,
Sacramento, CA 95833
CBSC Website: www.bsc.ca.gov
CBSC Telephone No.: (916) 263-0916
CBSC Facsimile No.: (916) 263-0959

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed regulatory action. If modifications are made, the full text of the proposed action with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified regulations during the 15-day period at the above-mentioned contacts.

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PUBLIC HEARING FOR PROPOSED CHANGES IN BUILDING STANDARDS OF THE DEPARTMENT OF FOOD AND AGRICULTURE (AGR), BOARD OF CORRECTIONS (BOC), & CONSUMER AFFAIRS-STRUCTURAL PEST CONTROL BOARD (CA-SPCB) REGARDING THE CALIFORNIA MECHANICAL CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Food and Agriculture (AGR), Board of Correction (BOC), Consumer Affairs-Structural Pest Control Board (CA-SPCB) proposes to repeal administrative building standards contained in the California Code of Regulations (CCR), Title 24, Part 4.

PUBLIC HEARING

A public hearing has not been scheduled; however, written comments will be accepted from July 6, 2001 until 5:00 P.M. on August 20, 2001. Please address your comments to Stanley T. Nishimura, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. Written Comments may also be faxed to (916) 263-0959 or E-mailed to cbsc@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

The CBSC proposes this action under the authority granted by Health and Safety Code Sections (H&SC) 18933 on behalf of the Department of Food and Agriculture, the Board of Corrections and Consumer Affairs-Structural Pest Control Board (CA-SPCB).

INFORMATIVE DIGEST

Summary of Existing Laws

• Building Standards Commission

Health & Safety Code Section 18933:

Authorizes the commission to rewrite, edit, amend, or adopt building standards consistent with the intent of California Building Standards Law.

• Department of Food and Agriculture

Food & Agriculture Code Section 18735: Adoption of federal rules and regulations:

The director may adopt, by reference or otherwise, such provisions of the rules and regulations under the federal acts, with such changes therein as he deems

appropriate to make them applicable to operations and transactions subject to this chapter.

Food & Agriculture Code Section 19384: Processing, transportation and storage of carcasses, etc., for pet food; diversion into human food channels:

The director shall establish by regulation the condition under which carcasses or parts or products of animals for pet food may be processed, transported, and stored so as to prevent diversion into human food channels.

Food & Agriculture Code Section 33481: Regulations, plans and specifications:

The director shall establish regulations and provide plans and specifications at cost for the construction of sanitary milk barns and milk houses, which are used in the production of market milk.

• Board of Corrections

Penal Code Section 6030: Local detention facilities; establishment of standards:

Authorizes the Board of Correction to adopt standards related to:

1. Health and sanitary conditions.
2. Fire and life safety.
3. Security, rehabilitation programs, recreation, and treatment of persons confined in local detention facilities.

• Consumer Affairs-Structural Pest Control Board

Business and Professions Code Section 8525: Rules and regulations; notice; interagency agreement to coordinate enforcement

The board, subject to the approval of the director, may, in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, adopt, amend, repeal, and enforce reasonably necessary rules and regulations related to the practice of pest control and its various branches as established by Section 8560 and the administration of this chapter.

The board shall also consult with the Director of Pesticide Regulation when development or adopting regulations that may affect the Department of Pesticide Regulation or the county agricultural commissioner's responsibilities pursuant to Division 7 (commencing with Section 12501) of the Food and Agricultural Code.

Summary of Existing Regulations

The existing 1998 California Mechanical Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 1997 Uniform

Mechanical Code of the International Conference of Building Officials with necessary amendment of various state agencies.

Summary of Effect

This proposed action will repeal unnecessary administrative standards adopted by the Department of Food and Agriculture (AGR) for the construction of sanitary milk farms and milk houses. Board of Corrections (BOC) for the construction of detention facilities and Consumer Affairs-Structural Pest Control Board (CA-SPCB) for the practice of pest control.

Comparable Federal Statute or Regulation

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

The broad objective of this proposed action is to repeal unnecessary administrative standards shown adopted by the AGR, BOC, and CA-SPCB.

**OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS**

There are no other matters prescribed by statute applicable to the Department of Food and Agriculture, Board of Corrections, Consumer Affairs-Structural Pest Control Board or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- C. Cost to any school districts that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Note: California law, H&SC Section 18928 mandates the California Building Standards Commission to adopt the most current edition of model code.

Estimate: None

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The CBSC has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This proposed action is viewed to be editorial in nature.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The Building Standards Commission finds that this proposed action is necessary to eliminate unnecessary regulations.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSONS OR BUSINESS**

The Building Standards Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF THE EFFECT OF
REGULATIONS UPON JOBS AND BUSINESS
EXPANSION, ELIMINATION OR CREATION**

The CBSC has initially assessed whether or not and to what extent this proposal will effect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or cause the elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

These regulations will not effect the expansion of businesses currently doing business within the State of California.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COST**

The California Building Standards Commission has determined that this proposed action would not have a significant affect on housing costs.

CONSIDERATION OF ALTERNATIVES

The California Building Standards Commission must determine that no reasonable alternative considered by CBSC, or that has otherwise been identified and brought to the attention of CBSC, would be more

effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public preview by contacting the person named below:

CONTACT PERSON

CBSC: Michael L. Nearman
CBSC Back-Up: Stanley T. Nishimura
CBSC Address: 2525 Natomas Park Drive,
Suite 130,
Sacramento, CA 95833
CBSC Website: www.bsc.ca.gov
CBSC Telephone No.: (916) 263-0916
CBSC Facsimile No.: (916) 263-0959

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code Section 11346.9. This document will be available from the contact person named above.

**QUESTIONS REGARDING THE SUBSTANCE OF
THE PROPOSED REGULATIONS**

Questions regarding the substance of the proposed regulations may be directed to the person named below.

CONTACT PERSON

CBSC: Michael L. Nearman
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CBSC Telephone No.: (916) 263-0916
CBSC Facsimile No.: (916) 263-0959

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed regulatory action. If modifications are made, the full text of the proposed action with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which

the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified regulations during the 15-day period at the above-mentioned contacts.

**TITLE 24. BUILDING
STANDARDS COMMISSION**

**NOTICE OF PUBLIC HEARING FOR PROPOSED
CHANGES IN BUILDING STANDARDS OF THE
CONSUMER AFFAIRS-STRUCTURAL PEST
CONTROL BOARD (CA-SPCB) & STATE
LIBRARY (SL) REGARDING THE CALIFORNIA
PLUMBING CODE, CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PART 5**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Consumer Affairs-Structural Pest Control Board (CA-SPCB), State Library (SL) proposes to repeal administrative building standards contained in the California Code of Regulations (CCR), Title 24, Part 5.

PUBLIC HEARING

A public hearing has not been scheduled; however, written comments will be accepted from July 6, 2001 until 5:00 P.M. on August 20, 2001. Please address your comments to Stanley T. Nishimura, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. Written Comments may also be faxed to (916) 263-0959 or E-mailed to cbcs@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

The CBSC proposes this action under the authority granted by Health and Safety Code Sections (H&SC) 18933 on behalf of Consumer Affairs-Structural Pest Control Board (CA-SPCB) and the State Library (SL).

INFORMATIVE DIGEST

Summary of Existing Laws

• Building Standards Commission

Health & Safety Code Section 18933;

Authorizes the commission to rewrite, edit, amend, or adopt building standards consistent with the intent of California Building Standards Law.

• **Consumer Affairs-Structural Pest Control Board**

Business and Professions Code Section 8525: Rules and regulations; notice; interagency agreement to coordinate enforcement

The board, subject to the approval of the director, may, in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, adopt, amend, repeal, and enforce reasonably necessary rules and regulations related to the practice of pest control and its various branches as established by Section 8560 and the administration of this chapter.

The board shall also consult with the Director of Pesticide Regulation when development or adopting regulations that may affect the Department of Pesticide Regulation or the county agricultural commissioner's responsibilities pursuant to Division 7 (commencing with Section 12501) of the Food and Agricultural Code.

• **State Library**

Education Code Section 19960: State Librarian; administration of chapter

The State Librarian, who shall adopt rules, regulations, and policies for the implementation of this chapter, shall administer this chapter.

Summary of Existing Regulations

The existing 1998 California Plumbing Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 1997 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.

Summary of Effect

This proposed action will repeal unnecessary administrative standards adopted by the Consumer Affairs-Structural Pest Control Board (CA-SPCB) for the practice of pest control and State Library (SL) for libraries.

Comparable Federal Statute or Regulation

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

The broad objective of this proposed action is to repeal unnecessary administrative standards shown adopted by the Consumer Affairs-Structural Pest Control Board and the State Library.

OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS

There are no other matters prescribed by statute applicable to the Consumer Affairs-Structural Pest Control Board and State Library, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- C. Cost to any school districts that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Note: California law, H&SC Section 18928 mandates the California Building Standards Commission to adopt the most current edition of model code.

Estimate: **None**

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This proposed action is viewed to be editorial in nature.

FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE

The Building Standards Commission finds that this proposed action is necessary to eliminate unnecessary regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSONS OR BUSINESS

The Building Standards Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF THE EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CBSC has initially assessed whether or not and to what extent this proposal will effect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or cause the elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

These regulations will not effect the expansion of businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COST

The California Building Standards Commission has determined that this proposed action would not have a significant affect on housing costs.

CONSIDERATION OF ALTERNATIVES

The California Building Standards Commission must determine that no reasonable alternative considered by CBSC, or that has otherwise been identified and brought to the attention of CBSC, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public preview by contacting the person named below.

CONTACT PERSON

CBSC: Michael L. Nearman
CBSC Back-Up: Stanley T. Nishimura
CBSC Address: 2525 Natomas Park Drive,
Suite 130,
Sacramento, CA 95833
CBSC Website: www.bsc.ca.gov
CBSC Telephone No.: (916) 263-0916
CBSC Facsimile No.: (916) 263-0959

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code Section 11346.9. This document will be available from the contact person named above.

QUESTIONS REGARDING THE SUBSTANCE OF THE PROPOSED REGULATIONS

Questions regarding the substance of the proposed regulations may be directed to the person named below.

CONTACT PERSON

CBSC: Michael L. Nearman
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Suite 130,
Sacramento, CA 95833
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CBSC Facsimile No.: (916) 263-0959

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed regulatory action. If modifications are made, the full text of the proposed action with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified regulations during the 15-day period at the above-mentioned contacts.

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PUBLIC HEARING FOR PROPOSED CHANGES IN BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC) REGARDING THE ADOPTION OF THE 2000 UNIFORM PLUMBING CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5

Notice is hereby given that the California Building Standards Commission proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The CBSC is proposing to adopt The 2000

Uniform Plumbing Code (UPC) of the International Association of the Plumbing and Mechanical Officials (IAPMO).

PUBLIC HEARING

A public hearing has not been scheduled; however, written comments will be accepted from July 6, 2001 until 5:00 P.M. on August 20, 2001. Please address your comments to Michael L. Nearman, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. Written Comments may also be faxed to (916) 263-0959 or E-mailed to cbcs@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 18928, 18934.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928: Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee:

Authorizes the commission to adopt the most recent edition of the Uniform Plumbing Code.

Health & Safety Code Section 18928(b): Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee:

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5: Standards or administrative regulations for state buildings; adoption, approval, codification and publication:

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The existing 1998 California Plumbing Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 1997 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials without amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make effective the 2000 UPC of IAPMO with necessary amendments to state owned buildings, to all occupancies identified pursuant to Health and Safety Code 18938 and to occupancies in the State, 180 days after the publication of the 2000 California Plumbing Code (CPC). This proposed action by the California Building Standards Commission will also make the 1998 CPC, inoperative for state owned buildings and for persons applying for a building permit upon the affective date of the 2001 CPC.

Comparable Federal Statute or Regulation

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

This proposed adoption of the most current edition of the Uniform Plumbing Code, makes applicable for state owned building projects, or any person seeking a building permit, the most current edition of the UPC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UPC provides an up to date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the 2001 California Plumbing Code.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the Building Standards Commission, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- C. Cost to any school districts that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Note: California law, H&SC Section 18928 mandates the California Building Standards Commission to adopt the most current edition of model code.

Estimate: None

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The Building Standards Commission finds that provisions for the adoption of proposed changes to the 2000 edition of the UPC into the CPC, Part 5, Title 24 of the CCR would not require a report. This regulation is intended to provide plumbing requirements for all occupancies throughout the State of California as prescribed.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESS

The Building Standards Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF THE EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CBSC has initially assessed whether or not and to what extent this proposal will effect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or cause the elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

These regulations will not effect the expansion of businesses currently doing business within the State of California.

The adoption is mandated by Health & Safety Code sections 18928 & 18934.5 and will have impact on the construction of state buildings, buildings constructed by the Trustees of the California State University and to the extent permitted by law to building design and construction by the Regents of the University of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COST

The California Building Standards Commission has determined that this proposed action would not have a significant affect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CBSC must determine that no reasonable alternative considered by CBSC, or that has otherwise been identified and brought to the attention of CBSC, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public preview by contacting the person named below:

CONTACT PERSON

CBSC:	Michael L. Nearman
CBSC Back-Up:	Stanley T. Nishimura
CBSC Address:	2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833
CBSC Website:	www.bsc.ca.gov
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CBSC Facsimile No.:	(916) 263-0959

AVAILABILITY OF FINAL
STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code Section 11346.9. This document will be available from the contact person named above.

QUESTIONS REGARDING THE SUBSTANCE OF
THE PROPOSED REGULATIONS

Questions regarding the substance of the proposed regulations may be directed to the person named below.

CONTACT PERSON

CBSC: Michael L. Nearman
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POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed regulatory action. If modifications are made, the full text of the proposed action with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified regulations during the 15-day period at the above-mentioned contacts.

**TITLE 24. DEPARTMENT OF
FOOD AND AGRICULTURE**

NOTICE OF PUBLIC HEARING FOR PROPOSED
CHANGES IN BUILDING STANDARDS OF
THE DEPARTMENT OF FOOD AND
AGRICULTURE (AGR) REGARDING THE
CALIFORNIA PLUMBING CODE, CALIFORNIA
CODE OF REGULATIONS, TITLE 24, PART 5

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Food and Agriculture (AGR) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The CBSC is proposing to adopt The 2000 Uniform Plumbing Code (UPC) of

the International Association of the Plumbing and Mechanical Officials (IAPMO).

PUBLIC HEARING

A public hearing has not been scheduled; however, written comments will be accepted from July 6, 2001 until 5:00 P.M. on August 20, 2001. Please address your comments to Stanley T. Nishimura, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. Written Comments may also be faxed to (916) 263-0959 or E-mailed to cbcs@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 on behalf of the Department of Food and Agriculture. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

• **Department of Food and Agriculture**

Health & Safety Code Section 18928: Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee:

Authorizes the Department of Food and Agriculture to adopt the most recent edition of the Uniform Plumbing Code.

Health & Safety Code Section 18928(b): Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee:

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Food & Agriculture Code Section 18735: Adoption of federal rules and regulations:

The director may adopt, by reference or otherwise, such provisions of the rules and regulations under the federal acts, with such changes therein as he deems appropriate to make them applicable to operations and transactions subject to this chapter.

Food & Agriculture Code Section 19384: Processing, transportation and storage of carcasses, etc., for pet food; diversion into human food channels:

The director shall establish by regulation the condition under which carcasses or parts or products of animals for pet food may be processed, transported, and stored so as to prevent diversion into human food channels.

Food & Agriculture Code Section 33481: Regulations, plans and specifications:

The director shall establish regulations and provide plans and specifications at cost for the construction of sanitary milk barns and milk houses, which are used in the production of market milk.

Food & Agriculture Code Section 33731: Approval of plans and specifications:

For new milk product plants

Summary of Existing Regulations

The existing 1998 California Plumbing Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the Department of Food & Agriculture, the 1997 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials with necessary amendments for the construction of dairies and places of meat inspection for the Department of Food and Agriculture.

Summary of Effect

This proposed action will make effective the 2000 UPC of IAPMO with necessary amendments to state owned buildings, to occupancies regulated by Department of Food and Agriculture for the construction of sanitary milk farms and milk houses, 180 days after its publication in the 2001 California Plumbing Code (CPC).

Comparable Federal Statute or Regulation

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

This proposed adoption of the most current edition of the Uniform Plumbing Code, makes applicable the most current edition of the UPC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UPC provides an up to date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the 2001 California Plumbing Code.

**OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS**

There are no other matters prescribed by statute applicable to the Department of Food and Agriculture, or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- C. Cost to any school districts that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Note: California law, H&SC Section 18928 mandates the California Building Standards Commission to adopt the most current edition of model code.

Estimate: **None**

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The CBSC has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The Building Standards Commission finds that provisions for the adoption of proposed changes to the 2000 edition of the UPC into the CPC, Part 5, Title 24 of the CCR would not require a report. This proposed action is required by H&SC 18928.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSONS OR BUSINESS**

The Building Standards Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF THE EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CBSC has initially assessed whether or not and to what extent this proposal will effect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or cause the elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

These regulations will not effect the expansion of businesses currently doing business within the State of California.

The adoption is mandated by Health & Safety Code sections 18928.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COST

The California Building Standards Commission has determined that this proposed action would not have a significant affect on housing costs.

CONSIDERATION OF ALTERNATIVES

The California Building Standards Commission must determine that no reasonable alternative considered by CBSC, or that has otherwise been identified and brought to the attention of CBSC, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public preview by contacting the person named below.

CONTACT PERSON

CBSC: Michael L. Nearman
CBSC Back-Up: Stanley T. Nishimura
CBSC Address: 2525 Natomas Park Drive,
Suite 130,
Sacramento, CA 95833
CBSC Website: www.bsc.ca.gov
CBSC Telephone No.: (916) 263-0916
CBSC Facsimile No.: (916) 263-0959

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code Section 11346.9. This document will be available from the contact person named above.

QUESTIONS REGARDING THE SUBSTANCE OF THE PROPOSED REGULATIONS

Questions regarding the substance of the proposed regulations may be directed to the person named below.

CONTACT PERSON

CBSC: Michael L. Nearman
CBSC Back-Up: Stanley T. Nishimura
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CBSC Telephone No.: (916) 263-0916
CBSC Facsimile No.: (916) 263-0959

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed regulatory action. If modifications are made, the full text of the proposed action with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified regulations during the 15-day period at the above-mentioned contacts.

TITLE 24. DEPARTMENT OF HEALTH SERVICES

NOTICE OF PUBLIC HEARING FOR PROPOSED CHANGES IN BUILDING STANDARDS OF THE DEPARTMENT OF HEALTH SERVICES (DHS) REGARDING THE CALIFORNIA MECHANICAL CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Health Services (DHS) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The CBSC is proposing to adopt The 2000 Uniform Mechanical Code (UMC) of

the International Association of the Plumbing and Mechanical Officials (IAPMO).

PUBLIC HEARING

A public hearing has not been scheduled; however, written comments will be accepted from July 6, 2001 until 5:00 P.M. on August 20, 2001. Please address your comments to Stanley T. Nishimura, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. Written Comments may also be faxed to (916) 263-0959 or E-mailed to cbcs@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 on behalf of the Department of Health Services. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

• Department of Health Services

Health & Safety Code Section 18928: Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee:

Authorizes the Department of Health Services to adopt the most recent edition of the Uniform Mechanical Code.

Health & Safety Code Section 18928(b): Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee:

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 100275: Rules and regulations:

- The department may adopt and enforce regulations for the execution of its duties.
- All regulations therefore adopted by the department or its predecessors relating to public health, the licensing and certification of health facilities,

except the licensing of community care facilities, or any other function performed by the Division of Public Health of the department, and in effect immediately preceding July 1, 1978, shall remain in effect and shall be fully enforceable unless and until readopted, amended, or repealed by the director or as otherwise provided by Section 25 or other provisions of law. This subdivision shall not apply to any regulation relating to a function transferred to a different state agency or department as a result of another provision of the statutes enacted during the 1977–78 Regular Session.

Health & Safety Code Section 113710: Adoption of regulations:

The department shall adopt regulations to implement and administer this chapter.

Health & Safety Code Section 113730: Building code compliance:

Any construction, alteration, remodeling, or installation of equipment in a food establishment pursuant to this chapter shall be in accordance with applicable building codes and shall be approved by the enforcement officer.

Summary of Existing Regulations

The existing 1998 California Mechanical Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the Department of Health Services, the 1997 Uniform Mechanical Code of the International Conference of Building Officials with necessary amendments for food establishments for the Department of Health Services.

Summary of Effect

This proposed action will make effective the 2000 UMC of IAPMO with necessary amendments and to occupancies regulated by Department of Health Services for the construction of food establishments, 180 days after its publication in the 2001 California Mechanical Code (CMC).

Comparable Federal Statute or Regulation

There are no comparable Federal Statutes or regulations related to the proposed action by the Department of Health Services.

Policy Statement Overview

This proposed adoption of the most current edition of the Uniform Mechanical Code, makes applicable the most current edition of the UMC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UMC provides an up to date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the 2001 California Mechanical Code.

OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS

There are no other matters prescribed by statute applicable to the Department of Health Services, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- C. Cost to any school districts that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Note: California law, H&SC Section 18928 mandates the California Building Standards Commission to adopt the most current edition of model code.

Estimate: None

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE

The Building Standards Commission finds that provisions for the adoption of proposed changes to the 2000 edition of the UMC into the CMC, Part 4, Title 24 of the CCR would not require a report. This proposed action is required by Health & Safety Code Section 18928.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSONS OR BUSINESS

The Building Standards Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF THE EFFECT OF
REGULATIONS UPON JOBS AND BUSINESS
EXPANSION, ELIMINATION OR CREATION

The CBSC has initially assessed whether or not and to what extent this proposal will effect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or cause the elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

These regulations will not effect the expansion of businesses currently doing business within the State of California.

The adoption is mandated by Health & Safety Code sections 18928.

INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COST

The California Building Standards Commission has determined that this proposed action would not have a significant affect on housing costs.

CONSIDERATION OF ALTERNATIVES

The California Building Standards Commission must determine that no reasonable alternative considered by CBSC, or that has otherwise been identified and brought to the attention of CBSC, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF
RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public preview by contacting the person named below.

CONTACT PERSON

CBSC: Michael L. Nearman
CBSC Back-Up: Stanley T. Nishimura
CBSC Address: 2525 Natomas Park Drive,
Suite 130,
Sacramento, CA 95833
CBSC Website: www.bsc.ca.gov
CBSC Telephone No.: (916) 263-0916
CBSC Facsimile No.: (916) 263-0959

AVAILABILITY OF FINAL
STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code Section 11346.9. This document will be available from the contact person named above.

QUESTIONS REGARDING THE SUBSTANCE OF
THE PROPOSED REGULATIONS

Questions regarding the substance of the proposed regulations may be directed to the person named below.

CONTACT PERSON

CBSC: Michael L. Nearman
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POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed regulatory action. If modifications are made, the full text of the proposed action with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified regulations during the 15-day period at the above-mentioned contacts.

**TITLE 24. DEPARTMENT OF
HEALTH SERVICES**

NOTICE OF PUBLIC HEARING FOR PROPOSED
CHANGES IN BUILDING STANDARDS OF THE
DEPARTMENT OF HEALTH SERVICES (DHS)
REGARDING THE CALIFORNIA PLUMBING
CODE, CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 5

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Health Services (DHS) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The CBSC is proposing to adopt The 2000 Uniform Plumbing Code (UPC) of the International Association of the Plumbing and Mechanical Officials (IAPMO).

PUBLIC HEARING

A public hearing has not been scheduled; however, written comments will be accepted from July 6, 2001 until 5:00 P.M. on August 20, 2001. Please address your comments to Stanley T. Nishimura, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. Written Comments may also be faxed to (916) 263-0959 or E-mailed to cbsc@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 on behalf of the Department of Health Services. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

• **Department of Health Services**

Health & Safety Code Section 18928: Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee:

Authorizes the Department of Health Services to adopt the most recent edition of the Uniform Plumbing Code.

Health & Safety Code Section 18928(b): Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee:

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 113710: Adoption of regulations:

The department shall adopt regulations to implement and administer this chapter.

Health & Safety Code Section 116025: Public swimming pool:

“Public swimming pool,” as used in this article, means any public swimming pool, bathhouse, public swimming and bathing place and all related appurtenances.

Health & Safety Code Section 116050: Rules and regulations; enforcement of building standards; adoption of standards:

Except as provided in Section 18930, the department shall make and enforce regulations pertaining to public swimming pools as it deems proper and shall enforce building standards published in the State Building Standards Code related to public swimming pools; provided that no rule or regulation as to design and construction of pools and shall apply to any pool that has been constructed before the adoption of the regulation, if the pool as constructed is reasonably safe and the manner of the construction does not preclude compliance with the requirements of the regulations as to bacteriological and chemical quality and clarity of the water in the pool. The department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 of this code for the purposes described in this section.

Summary of Existing Regulations

The existing 1998 California Plumbing Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, the 1997 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials with necessary amendments for public swimming pool standards for the Department of Health Services.

Summary of Effect

This proposed action will make effective the 2000 UPC of IAPMO with necessary amendments and to occupancies regulated by Department of Health

Services for the construction of public swimming pools, 180 days after its publication in the 2001 California Plumbing Code (CPC).

Comparable Federal Statute or Regulation

There are no comparable Federal Statutes or regulations related to the proposed action by the Department of Health Services.

Policy Statement Overview

This proposed adoption of the most current edition of the Uniform Plumbing Code, makes applicable the most current edition of the UPC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UPC provides an up to date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the 2001 California Plumbing Code.

**OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS**

There are no other matters prescribed by statute applicable to the Department of Health Services, or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- C. Cost to any school districts that is required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Note: California law, H&SC Section 18928 mandates the California Building Standards Commission to adopt the most current edition of model code.

Estimate: None

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE

The Building Standards Commission finds that provisions for the adoption of proposed changes to the 2000 edition of the UPC into the CPC, Part 5, Title 24 of the CCR would not require a report. This proposed action is required by Health & Safety Code Section 18928.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSONS OR BUSINESS

The Building Standards Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF THE EFFECT OF
REGULATIONS UPON JOBS AND BUSINESS
EXPANSION, ELIMINATION OR CREATION

The CBSC has initially assessed whether or not and to what extent this proposal will effect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or cause the elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

These regulations will not effect the expansion of businesses currently doing business within the State of California.

The adoption is mandated by Health & Safety Code sections 18928.

INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COST

The California Building Standards Commission has determined that this proposed action would not have a significant affect on housing costs.

CONSIDERATION OF ALTERNATIVES

The California Building Standards Commission must determine that no reasonable alternative considered by CBSC, or that has otherwise been identified and brought to the attention of CBSC, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF
RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public preview by contacting the person named below.

CONTACT PERSON

CBSC: Michael L. Nearman
CBSC Back-Up: Stanley T. Nishimura
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Sacramento, CA 95833
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AVAILABILITY OF FINAL
STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code Section 11346.9. This document will be available from the contact person named above.

QUESTIONS REGARDING THE SUBSTANCE OF
THE PROPOSED REGULATIONS

Questions regarding the substance of the proposed regulations may be directed to the person named below.

CONTACT PERSON

CBSC: Michael L. Nearman
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Sacramento, CA 95833
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CBSC Telephone No.: (916) 263-0916
CBSC Facsimile No.: (916) 263-0959

POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are

sufficiently related to the original proposed text and notice of proposed regulatory action. If modifications are made, the full text of the proposed action with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified regulations during the 15-day period at the above-mentioned contacts.

TITLE 24. OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PUBLIC HEARING FOR PROPOSED BUILDING STANDARDS OF THE OFFICE OF THE STATE FIRE MARSHAL (SFM) REGARDING THE PROPOSED AMENDMENTS TO THE 1998 CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2

NOTICE IS HEREBY GIVEN that the California Building Standards Commission (CBSC) on behalf of the State Fire Marshal proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The State Fire Marshal (SFM) is proposing to adopt and amend various Chapters of the 1998 California Building Code, and bring forward existing California Amendments from the 1998 California Building Code into the 2001 California Building Code.

PUBLIC HEARING/WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from July 6, 2001 until 5:00 p.m. on August 20, 2001. Please address your comments to Michael L. Nearman, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. Written comments may also be faxed to (916) 263-0959 or E-mailed to cbcs@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code § 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code § 18928. The SFM is proposing this regulatory action based on Health and Safety Code §§ 17921, 18897.3, 13108,

13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146 & Government Code Section 11152.5

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code (HSC) § 18928 (a) requires each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

HSC § 17921(b)—The SFM shall adopt, amend, or repeal and submit building standards in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and accessory structures.

HSC § 18897.3—The SFM shall adopt minimum fire safety regulations for organized camps.

HSC § 13108(a)—The SFM shall prepare and adopt building standards relating to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

HSC § 13211—The SFM shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

HSC § 13113—An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

HSC § 13113.5—The SFM shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

HSC § 13114(a)—The SFM shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the SFM.

HSC § 13132.7—Mandates fire retardant roof coverings in fire hazard severity zones.

HSC § 13133(a)—The SFM shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

HSC § 13135—The SFM shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

HSC § 13143—The SFM shall prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and

property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

HSC § 13143.1(a)—The SFM shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

HSC § 13143.6(a)—The SFM shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

HSC § 13143.9(a)—The SFM shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

HSC § 13146—The SFM shall have the authority to enforce building standards and other regulations.

Government Code § 11152.5—Authorizes a state department to adopt regulations pursuant to the Government Code. Regulations, which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with Section 18901).

Summary of Existing Regulations

The SFM currently adopts and enforces the California Code of Regulations, Title 24, Part 2, 1998 California Building Code with California Amendments relating to requirements for fire and panic safety.

Summary of Effect

The California Building Standards Commission has continued the use of the 1998 California Building Code (CBC), as based on the 1997 Uniform Building Code, with the intent of republishing such code as the 2001 CBC. The Office of the State Fire Marshal is proposing to amend and or repeal existing SFM amendments as published in the 1998 CBC as well as author new SFM amendments to be published by the Commission into the 2001 California Building Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the proposed code changes.

Policy Statement Overview

The intent of the proposed action is to continue use of the 1998 California Building Code with further amendments to create the 2001 California Building Code and to incorporate the appropriate sections of the 2000 Uniform Fire Code as amended. This action is necessary to update the fire and panic safety provisions of the 2001 California Building Code to protect the health, safety and general welfare of the citizens of California and also reduce property loss.

**OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS**

The SFM has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulation.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The initial determination of the SFM is that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The SFM has made an assessment of the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON PRIVATE PERSON
OR BUSINESS**

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The SFM has made an initial determination that this proposal may affect housing costs. The SFM has not considered alternatives.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below.

CONTACTS

CBSC: Michael L. Nearman
CBSC Back-Up: Stanley Nishimura
CBSC Address: 2525 Natomas Park Drive,
Suite 130,
Sacramento, California 95833
CBSC Website: www.bsc.ca.gov
CBSC Telephone No.: (916) 263-0916
CBSC Facsimile No.: (916) 263-0959

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code § 11346.9. This document will be available from the contact persons named above.

**CONTACT PERSONS FOR SUBSTANTIVE
QUESTIONS ON THE PROPOSED
BUILDING STANDARDS**

Specific questions regarding the substantive aspects of the proposed building standards may be addressed to:

CONTACT PERSON

- John K. Guhl
(916) 445-8421
Fax: (916) 445-8526

BACK-UP CONTACT PERSON

- Glenn Tong
(916) 445-8419
Fax: (916) 445-8526

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed regulatory action. If modifications are made, the full text of the proposed action with the changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified regulations during the 15-day period at the above-mentioned contacts.

**TITLE 24. OFFICE OF THE STATE
FIRE MARSHAL**

**NOTICE OF PUBLIC HEARING FOR PROPOSED
BUILDING STANDARDS OF THE OFFICE OF
THE STATE FIRE MARSHAL (SFM)
REGARDING THE PROPOSED ADOPTION
OF THE 2000 EDITION OF THE UNIFORM FIRE
CODE, CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 9**

NOTICE IS HEREBY GIVEN that the California Building Standards Commission (CBSC) on behalf of the State Fire Marshal proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 9. The State Fire Marshal (SFM) is proposing to adopt and amend various Articles of the 2000 Uniform Fire Code, and bring forward existing California

Amendments from the 1998 California Fire Code into the 2001 California Fire Code.

**PUBLIC HEARING/WRITTEN
COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from July 6, 2001 until 5:00 p.m. on August 20, 2001. Please address your comments to Michael L. Nearman, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. Written comments may also be faxed to (916) 263-0959 or E-mailed to cbsc@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code § 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code § 18928. The SFM is proposing this regulatory action based on Health and Safety Code §§ 17921, 18897.3, 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146 & Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code (HSC) § 18928 (a) requires each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

HSC § 17921(b)—The SFM shall adopt, amend, or repeal and submit building standards in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and accessory structures.

HSC § 18897.3—The SFM shall adopt minimum fire safety regulations for organized camps.

HSC § 13108(a)—The SFM shall prepare and adopt building standards relating to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

HSC § 13211—The SFM shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

HSC § 13113—An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

HSC § 13113.5—The SFM shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

HSC § 13114(a)—The SFM shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the SFM.

HSC § 13132.7—Mandates fire retardant roof coverings in fire hazard severity zones.

HSC § 13133(a)—The SFM shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

HSC § 13135—The SFM shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

HSC § 13143—The SFM shall prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

HSC § 13143.1(a)—The SFM shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

HSC § 13143.6(a)—The SFM shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

HSC § 13143.9(a)—The SFM shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

HSC § 13146—The SFM shall have the authority to enforce building standards and other regulations.

Government Code § 11152.5—Authorizes a state department to adopt regulations pursuant to the Government Code. Regulations, which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with Section 18901).

Summary of Existing Regulations

The SFM currently adopts and enforces the California Code of Regulations, Title 24, Part 9, 1998 California Fire Code with California Amendments relating to requirements for fire and panic safety.

Summary of Effect

The California Building Standards Commission (CBSC) has recommended that the 2000 Edition of the Uniform Fire Code (UFC) as published by the Western Fire Chiefs Association be used as the basis of the 2001 California Fire Code (CFC). The SFM is repealing their prior adoption of the 1997 UFC. The SFM is proposing to replicate existing SFM California Amendments, some with further amendments, from the 1998 CFC into the 2000 UFC to form the 2001 CFC.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the proposed code changes.

Policy Statement Overview

The intent of the proposed action is to adopt and amend the 2000 Uniform Fire Code and bring forward existing California Amendments from the 1998 California Fire Code into the 2001 California Fire Code. This action is necessary to update the fire and panic safety provisions of the 2001 California Fire Code to protect the health, safety and general welfare of the citizens of California and also reduce property loss.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The SFM has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulation.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The initial determination of the SFM is that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The SFM has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON PRIVATE PERSON OR BUSINESS

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The SFM has made an initial determination that this proposal may affect housing costs. The SFM has not considered alternatives.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the

purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below.

CONTACTS

CBSC: Michael L. Nearman
CBSC Back-Up: Stanley Nishimura
CBSC Address: 2525 Natomas Park Drive,
Suite 130,
Sacramento, California 95833
CBSC Website: www.bsc.ca.gov
CBSC Telephone No.: (916) 263-0916
CBSC Facsimile No.: (916) 263-0959

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact persons named above.

CONTACT PERSONS FOR SUBSTANTIVE QUESTIONS ON THE PROPOSED BUILDING STANDARDS

Specific questions regarding the substantive aspects of the proposed building standards may be addressed to:

CONTACT PERSON

- John K. Guhl
(916) 445-8421
Fax: (916) 445-8526

BACK-UP CONTACT PERSON

- Glenn Tong
(916) 445-8419
Fax: (916) 445-8526

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed regulatory action. If modifications are made, the full text of the proposed action with the changes clearly indicated would be made available to

the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified regulations during the 15-day period at the above-mentioned contacts.

GENERAL PUBLIC INTEREST

BUILDING STANDARDS COMMISSION

NOTICE OF PUBLIC HEARING

PROPOSED BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO PART 2, TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.5(a)17, the California Building Standards Commission on behalf of the Department of Housing and Community Development has set the time and place hereafter set forth for a public hearing to receive written and/or oral comments from interested person regarding the Department's proposed buildings standards to Part 2, Title 24, California Code of Regulations.

TIME: July 24, 2001 at 10 a.m.

PLACE: California Building Standards Commission
Conference Room
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

At the hearing both oral and written comments will be accepted regarding the Department's Notice of Proposed Action (Z-01-0515-13) published in May 25, 2001 California Regulatory Notice Register.

Should you have any questions regarding this notice, please contact Mike Nearman or Stan Nishimura at (916) 263-0916

The meeting facilities and restrooms are accessible to persons with disabilities. Requests for accommodations such as assistive listening device, sign language interpreters, etc. should be made to the Commission office no later than 10 working days prior to the day of the meeting. Parking is available about the entire building at no charge. Blue areas are located near the entrance of the building. If Paratransit services are needed, they may be contacted at (916) 363-0661. Their TDD line is (916) 363-0196. The Sacramento Regional Transit bus line and light rail information is (916) 321-2877 and TDD line is (916) 483-4327.

**DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractors signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On June 6, 2001, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year Agricultural Oil collection variance to Colusa County. Authority for this action is contained in Health and Safety Code (HSC), section 25143. The variance authorizes specific Colusa County collection sites to accept waste oil accumulations of used oil of up to 55 gallons per trip from qualified farmers and agricultural growers. Authorized collection sites include:

**Maxwell Transfer Station,
3825 Highway 99, Maxwell
B. C. Stocking,
1802 Old Highway 99W, Williams
Davies Oil, 150 13th Street, Colusa**

Standards exempted are contained in HSC, sections 25163, 25201, 25250.8, and 25250.11. Transported waste oil is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On June 6, 2001, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a conditionally exempt small quantity generator (CESQG) transportation and manifesting variance renewal to Nevada County. Authority for this action is contained in Health and Safety Code (HSC), section 25143. The variance authorizes Nevada County household hazardous waste collection

facilities to accept and qualified small businesses to transport up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time per month without meeting registered transporter or hazardous waste manifest requirements. Specific standards exempted are contained in HSC, sections 25163(a) and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson of at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On June 11, 2001, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a manifest variance to the Regional Solid Waste Association located in San Diego County. Authority for this action is contained in Health and Safety Code (HSC), section 25143. For the purposes of consolidation, the variance authorizes Regional Solid Waste Association household hazardous waste collection facilities to transfer collected wastes from one collection site to another collection site using a bill-of-lading (shipping papers) in lieu of a hazardous waste manifest. This shipping paper lists federal Department of Transportation shipping names and the wastes are packaged and transported in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. Manifest standards exempted are contained in HSC, section 25160. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On June 11, 2001, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance to the Regional Solid Waste Association located in San Diego County. Authority for this action is contained in Health and Safety Code (HSC), section 25143. The variance was issued to conduct residential household waste collections. This variance authorizes the Regional Solid Waste Association through their contractor to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program. Wastes are delivered to an authorized HHW collection facility authorized under permit-by-rule

(PBR). No business or agricultural wastes are to be collected under this variance. Specific standards exempted are contained in the Health and Safety Code, section 25201 and Title 22, California Code of Regulations, Division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On June 11, 2001, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year conditionally exempt small quantity generator (CESQG) transportation and manifesting variance to the Regional Solid Waste Association's household hazardous waste collection program located in San Diego County. Authority for this action is contained in Health and Safety Code (HSC), section 25143. The variance authorizes the Regional Solid Waste Association's household hazardous waste collection facilities to accept and qualified small businesses to transport up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time per month without meeting registered transporter or hazardous waste manifest requirements. Standards exempted are contained in HSC, sections 25163(a) and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS

Baja California Birdbush
(*Ornithostaphylos oppositifolia*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2075.5 of the Fish and Game Code, the California Fish and Game Commission, at its April 5, 2001, meeting in Monterey, made a finding that the petitioned action to list the Baja California Birdbush (*Ornithostaphylos oppositifolia*) is warranted as endangered.

NOTICE IS ALSO GIVEN that the Commission proposes to amend Section 670.2, Title 14, California Code of Regulations, to add the Baja California Birdbush (*Ornithostaphylos oppositifolia*) to the list of endangered plants.

NOTICE IS FURTHER GIVEN that, any person interested may present statements orally or in writing, relevant to this action at a hearing to be held at Hubbs-Sea World Research Institute/Shedd Auditorium, 2595 Ingraham, San Diego, CA, on Friday, October 5, 2001, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Friday, September 28, 2001, to the Fish and Game Commission office at 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090, or by fax at (916) 653-5040, or by e-mail to jduffy@dfg.ca.gov, but they must be received no later than October 5, 2001, at the hearing in San Diego, CA. E-mail comments must include the true name and mailing address of the commentor.

PRECEDENTIAL DECISION INDEX

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

The Occupational Safety and Health Appeals Board on July 1, 2001, published an index of its precedent decisions (Decisions After Reconsideration and Denials of Petitions for Reconsideration), pursuant to Government Code section 11425.60(c). The Index will be published annually, and is available by subscription for \$5.00. Orders for subscriptions, accompanied by a check made payable to the Department of Industrial Relations may be sent to the Board's Main Office:

Contact Person: Judy Whitall Lee-Legal Analyst
(916) 274-5765

Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Division 3, Department of Corrections

PETITIONER

Houssam M. Kerdiya

AUTHORITY

Under authority established in Penal Code (PC) Section 5058 the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, PO Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

AVAILABILITY OF PETITION

The petition for amendment of the regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests that the Department of Corrections reconsider amending regulations to be incorporated into the California Code of Regulations (CCR), Title 15, Division 3, to provide all inmates Excused Time Off (ETO) for special religious functions that are viewed as a religious commandment rather than an expression of belief.

DEPARTMENT DECISION

The Director of Corrections denies the petition to amend regulations to change provisions regarding ETO for religious functions.

Pursuant to CCR Section 3045.2 (e)(2)(G)(4), the Department permits inmates to use excused time off (ETO) for "special religious functions, other than routine services." California Department of Corrections (CDC) has historically interpreted "routine" religious services to refer to those that occur frequently, such as the Roman Catholic Mass and the Muslim Ju'muah service. "Special" religious services have been interpreted to be those that occur infrequently, such as Christmas and Ramadan. If CDC permits inmates to use ETO for Ju'muah, then inmates of all religions could use ETO for almost any religious service. This could cause great disruption for institutions as inmates are leaving and then returning to their work assignments after attending religious services. Higher level institutions would require greater security to escort the inmates to the services and to monitor the services. CDC would be required to expend significant resources in order to accommodate the anticipated flood of requests to use ETO to attend religious services.

Institutions generally offer a variety of inmate work assignments with varying schedules. Inmates can request work assignments with schedules that accommodate their religious services.

For all the reasons set forth above the petitioner's suggested changes are denied.

DEPARTMENT OF CORRECTIONS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Division 3, Department of Corrections

PETITIONER

Houssam M. Kerdiya

AUTHORITY

Under authority established in Penal Code (PC) Section 5058 the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, PO Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

AVAILABILITY OF PETITION

The petition for amendment of the regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests that the Department of Corrections reconsider amending regulations to be incorporated into the California Code of Regulations (CCR), Title 15, Division 3, Special Religious Dietary Needs to: (1) mandate that the Department contract with any available and willing religious organization to provide special religious food; and (2) mandate that inmates with special religious dietary needs are provided an alternate item that has the same nutritional value.

DEPARTMENT DECISION

(1) The Director of Corrections denies the petition to amend regulations to amend CCR Section 3054, Special Religious Dietary Needs, to mandate that the department contract with "any available and willing religious organization to provide special religious food". . . .

The Department contends that current regulations provide that "Any religious organization may contract with the Department to provide their inmate members with religious diets. . ." The current language provides the opportunity for any/all religious organizations who would like to provide their inmate members with religious diets to contract with the Department if they chose to do so. Therefore this request is unnecessary because the regulations are already written in a manner that allows for the burden of contracting with the Department to be on the contractor.

(2) The Director of Corrections denies the petition to amend CCR Section 3045(c), Special Religious Dietary Needs, to mandate that inmates with special religious dietary needs are provided another item that has the same nutritional value.

The Department contends that current regulations provide that: "Inmates with special religious dietary needs that prohibit them from consuming an item(s) from the daily scheduled meal may be accommodated by being provided another item(s) from the same days' scheduled meal that is consistent with their dietary needs." While the Department may not be able to provide foods with the "same nutritional value," the Department currently provides substitutions that meet each inmate's "dietary need." Current language provides the Department the means to meet inmates' special religious dietary needs by utilizing foods that are readily available from the scheduled meal. Due to the number of inmates housed by the Department, and in consideration of the substantial task of preparing and providing nutritional meals to all inmates, amending the regulations to specify the provision of "another item that has the same nutritional value" would place an undue burden on the Department as foods meeting the "same nutritional value" may or may not be available at each meal. In addition, we are in compliance with our current regulations in that they do state that "Each inmate shall be provided a wholesome, nutritionally balanced diet".

Given the number and variety of religious organizations, the number of inmates under the care of the Department, and the complexity of providing nutritional meals for all inmates on a daily basis, the suggested changes are not practicable and therefore the petition is denied.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

ACUPUNCTURE BOARD

Deleting Clinical Examination Requirement

Conforming to a 1999 legislative change (AB 1105), the Board is deleting references to passage of a clinical examination from its regulations.

Title 16

California Code of Regulations

AMEND: 1399.417, 1399.419, 1399.443, 1399.444

REPEAL: 1399.445

Filed 06/20/01

Effective 06/20/01

Agency Contact:

Marilyn Nielsen

(916) 263-2682

BOARD OF EDUCATION

California High School Exit Examination

To improve pupil achievement in California high schools and ensure that pupils who graduate from high school demonstrate grade-level competency in English/language arts and mathematics, the Legislature authorized the development of a California high school exit examination and administration of the examination in each public school and state special school that provides instruction in grades 10, 11, and 12. This regulatory action provides the procedures that school districts must follow to administer the California high school exit examination.

Article 3 of the proposed regulations (sections 1215, 1216, 1217, and 1218) entitled "Accommodations" was withdrawn by the Board to make further changes.

Title 5

California Code of Regulations

ADOPT: 1200, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1215, 1216, 1217, 1218, 1220, 1225

Filed 06/20/01

Effective 07/20/01

Agency Contact: Peggy Peters

(916) 657-4440

BOARD OF PHARMACY

Citation and Fine

The proposed regulatory action amends the Board of Pharmacy's citation and fine regulations. This action implements Business and Professions Code section 125.9.

Title 16

California Code of Regulations

ADOPT: 1775.15 AMEND: 1775, 1775.2

REPEAL: 1775.1

Filed 06/22/01

Effective 07/22/01

Agency Contact:

Patricia F. Harris

(916) 445-5014 x4004

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Prep. Of Integrated Waste Management Plans; Annual Reports; Disposal Reports

The California Integrated Waste Management Board is amending the captioned sections pertaining to the preparation of integrated waste management plans, annual reports and disposal reports. These changes conform the subject sections to Stats. 2000, Ch. 740.

Title 14

California Code of Regulations

AMEND: 18755(g), 18757(e), 18776e, 18794(h)(1), 18794.1(c)(1), 18800(d), 18801(a)(4), 18813(c)

Filed 06/26/01

Effective 06/26/01

Agency Contact: Elliot Block

(916) 255-2821

DEPARTMENT OF CHILD SUPPORT SERVICES

Program Administration

This emergency regulatory action adopts the requirements for program administration and complaint resolution.

Title 22, MPP

California Code of Regulations

ADOPT: 111000, 110042, 110046, 110088, 110099, 110109, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436, 110445, 110456, 110474, 110478

Filed 06/26/01

Effective 07/01/01

Agency Contact: Sandra Poole

(916) 464-5060

DEPARTMENT OF DEVELOPMENTAL SERVICES

Special Incident Reporting

This emergency rulemaking amends special incident reporting for vendors, long-term health care facilities and regional centers.

Title 17

California Code of Regulations

ADOPT: 54327.2 AMEND: 54302, 54327, 54327.1, 58651

Filed 06/27/01

Effective 07/01/01

Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF MANAGED HEALTH CARE
Hospice Regulations

This action implements legislation that requires all group health care service plans other than specialized plans to offer hospice care as a basic health care service.

Title 28

California Code of Regulations

ADOPT: 1300.68.2 AMEND: 1300.67

Filed 06/26/01

Effective 07/26/01

Agency Contact:

Christina Hooke (916) 322-7550

DEPARTMENT OF MOTOR VEHICLES
California Ignition Interlock Device Program

The regulatory action deals with the California Ignition Interlock Device Program.

Title 13

California Code of Regulations

ADOPT: 125.00, 125.06, 125.12, 125.16, 125.18, 125.20, 125.22, AMEND: 100.91, 100.93, 100.92, 100.94, 1000.95

Filed 06/22/01

Effective 07/22/01

Agency Contact: Ann Myrick (916) 657-8857

DEPARTMENT OF MOTOR VEHICLES
Certificate of Self-Insurance

This rulemaking action defines terms used in the self-certification of financial responsibility regulations, specifies the requirements for qualifying as a self-insurer, identifies and incorporates initial and renewal application forms, clarifies support documentation required, and increases the minimum net worth required to the minimum statutory level currently required by the Insurance Code to qualify as an insurance company transacting automobile liability business.

Title 13

California Code of Regulations

ADOPT: 80.00, 80.25 AMEND: 80.50, 80.55, 80.60, 80.65, 80.70, 80.75, 80.90

Filed 06/26/01

Effective 07/26/01

Agency Contact:

Christie Patrick (916) 657-5567

DEPARTMENT OF PESTICIDE REGULATION

Purpose

The California Department of Pesticide Regulation is amending the captioned sections changing mainly authority citations based on the Governor's Reorganization Plan No. 1, Stats. 1991.

Title 3

California Code of Regulations

AMEND: 6100, 6102, 6110, 6116, 6118, 6122, 6130, 6140, 6141, 6152, 6153, 6154, 6156, 6157, 6158, 6159, 6160, 6171, 6176, 6177, 6178, 6179, 6181, 6182, 6184, 6185, 6187, 6188, 6189, 6191, 6192, 6197.5, 6200, 6206, 6210, 6215, 6222, 6223, 6225, 6226, 624

Filed 06/20/01

Effective 07/20/01

Agency Contact:

Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF PESTICIDE REGULATION
Methyl Bromide Field Fumigation—Public Roadways

This emergency action amends the standards for the boundaries of the inner buffer zone associated with methyl bromide fumigation of fields in order to allow fumigation to be performed closer to roads.

Title 3

California Code of Regulations

AMEND: 6450.2, 6450.3

Filed 06/27/01

Effective 06/27/01

Agency Contact:

Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF SOCIAL SERVICES
Maximum Family Grant (MFG) Amendments

This emergency action (#0401-09) amends the California Work Opportunity and Responsibility to Kids (CalWORKs) program's Maximum Family Grant (MFG) regulations, consistent with court settlement orders in *Nickols v. Saenz* and *Kehrer v. Saenz*.

Title MPP

California Code of Regulations

AMEND: 44-314, 82-518

Filed 06/25/01

Effective 07/01/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

Universal Waste Rule

This rulemaking action readopts emergency regulations to conditionally exempt "universal waste" batteries, thermostats, and lamps (including fluorescent tubes) from management as hazardous waste until it arrives at a destination facility, provided the universal waste is managed in compliance with

specified, streamlined requirements regarding notification, management, labeling, accumulation, employee training, response to release, offsite shipment, tracking, and export. The rule also authorizes certain “households” and “conditionally exempt small quantity generators” to manage and dispose of specified universal waste as non-hazardous waste.

Title 22

California Code of Regulations

ADOPT: 66261.9, 66273.1, 66273.2, 66273.4, 6273.5, 66273.8, 66273.9, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.30, 66273.31, 66273.32, 66273.33, 66273.34, 66273.35, 66273.36

Filed 06/26/01

Effective 07/05/01

Agency Contact: Mike Horner (916) 322-7889

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL****Groundwater Remediation Loan Program**

This emergency rulemaking establishes the Groundwater Remediation Loan Program, that provides loans to local agencies to address groundwater contamination problems.

Title 22

California Code of Regulations

ADOPT: 68300, 68301, 68302, 68303, 68304, 68305, 68306, 68307, 68308, 68309

Filed 06/25/01

Effective 06/25/01

Agency Contact: Laurie Grouard (916) 323-3394

EMPLOYMENT TRAINING PANEL**Frontline Workers**

This emergency regulatory action amends provisions concerning funding of Special Employment Training (SET) projects and clarifies the Panel’s mandate to permit special allowances for the training of workers in high unemployment areas. (Previous OAL file # 01-0103-03EE)

Title 22

California Code of Regulations

ADOPT: 4400(hh), 4400(ii) AMEND: 4400(ee), 4409, 4420

Filed 06/20/01

Effective 06/20/01

Agency Contact: Deanna Fong (650) 655-6938

**ENVIRONMENTAL PROTECTION AGENCY
CUPA Oversight and Program Management Costs**

This readopted emergency rulemaking conforms the Department’s regulation to recent statutory changes

concerning the collection of the surcharge for the Certified Unified Program Agencies (CUPAs).

Title 27

California Code of Regulations

AMEND: 15240

Filed 06/25/01

Effective 06/25/01

Agency Contact: Bonnie Amoruso (916) 322-2833

FAIR POLITICAL PRACTICES COMMISSION**Proposition 34—Campaign Disclosure**

The Fair Political Practices Commission is adopting three new regulations as emergency regulations which pertain to campaign disclosure. This emergency action is based on voter approval of Proposition 34 on November 7, 2000.

Title 2

California Code of Regulations

ADOPT: 18539, 18539.2, 18550

Filed 06/25/01

Effective 06/25/01

Agency Contact:

Margaret Figueroid (916) 327-5525

FAIR POLITICAL PRACTICES COMMISSION**Technical Cleanup**

This non-substantive regulatory action amends sections 18406, 18427.1, 18723, and 18960 pertaining to campaign contributions, statements, reports, and filing of annual statements of economic interest. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

Title 2

California Code of Regulations

AMEND: 18406, 18427.1, 18723, 18960

Filed 06/26/01

Effective 07/26/01

Agency Contact: Kelly Winsor (916) 327-0268

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**Boatswains’ Chairs**

The Occupational Safety and Health Standards Board is correcting the description in the drawing included in the captioned subsection to reflect the dimensions contained within the stated subsection (18 inches long is being changed to 24 inches long).

Title 8

California Code of Regulations

AMEND: 1662(j)

Filed 06/25/01

Effective 06/25/01

Agency Contact: Marley Hart (916) 274-5721

OFFICE OF ADMINISTRATIVE LAW

Procedures for Regulatory Determinations

This regulatory action amends the procedures for requesting and reviewing a regulatory determination.

Title 1

California Code of Regulations

ADOPT: 125.5 AMEND: 121, 122, 123, 124, 125, 126, 127, 128

Filed 06/20/01

Effective 06/20/01

Agency Contact: Herb Bolz (916) 323-6814

STATE PERSONNEL BOARD

DMV Demonstration Project

Pursuant to Government Code section 19602, the Board is authorizing a demonstration project affecting the Department of Motor Vehicles. In this demonstration project, examinations for certain manager and supervisor positions will be conducted, with specified exceptions, pursuant to the regulations governing selection for Career Executive Assignments, rather than pursuant to the laws ordinarily applicable to such civil service examinations.

Title 2

California Code of Regulations

ADOPT: 549.80

Filed 06/27/01

Effective 06/27/01

Agency Contact: Steve Unger (916) 654-0842

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN FEBRUARY 21, 2001 TO
JUNE 27, 2001**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

06/20/01 ADOPT: 125.5 AMEND: 121, 122, 123, 124, 125, 126, 127, 128

Title 2

06/27/01 ADOPT: 549.80

06/26/01 AMEND: 18406, 18427.1, 18723, 18960

06/25/01 ADOPT: 18539, 18539.2, 18550

06/19/01 ADOPT: 18421.4, 18542

06/13/01 AMEND: 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.40, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60,

1859.70, 1859.71.1, 1859.72, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.78.3, 1859.79.1, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 185

06/12/01 ADOPT: 1139

05/29/01 ADOPT: 2980, 2980.1, 2980.2, 2980.3, 2980.4, 2980.5, 2980.6, 2980.7, 2980.8, 2980.9

05/04/01 AMEND: 18523, 18523.1, 18531, 18533, 18537 REPEAL: 18519.4, 18530.1, 18530.7, 18531.1, 18531.3, 18531.4, 18531.5, 18532, 18535, 18539, 18541, 18550, 18262

05/01/01 ADOPT: 2980, 2980.1, 2980.2, 2980.3, 2980.4, 2980.5, 2980.6, 2980.7, 2980.8, 2980.9

05/01/01 ADOPT: 18503 REPEAL: 18502, 18502.1

04/30/01 AMEND: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370

04/24/01 AMEND: Ch. 9, sec. 30000

04/05/01 ADOPT: 1183.09, 1183.21, 1188.31

04/05/01 AMEND: 1859.83

04/04/01 AMEND: Chapter 73, section 56200

03/06/01 ADOPT: 1186.6, 1186.61, 1186.62 AMEND: 1181.2, 1181.3, 1186.5, 1186.51, 1186.52, 1186.72, 1186.6, 1186.61, 1186.62

03/01/01 AMEND: 20802

02/27/01 AMEND: Chapter 26, 47000, 47001, 47002

Title 3

06/27/01 AMEND: 6450.2, 6450.3

06/20/01 AMEND: 6100, 6102, 6110, 6116, 6118, 6122, 6130, 6140, 6141, 6152, 6153, 6154, 6156, 6157, 6158, 6159, 6160, 6171, 6176, 6177, 6178, 6179, 6181, 6182, 6184, 6185, 6187, 6188, 6189, 6191, 6192, 6197.5, 6200, 6206, 6210, 6215, 6222, 6223, 6225, 6226, 6240

06/15/01 ADOPT: 1301, 1301.1, 1301.2, 1301.4, 1301.5, 1301.6, 1301.7, 1301.8, 1301.9

05/22/01 ADOPT: 3700

05/04/01 AMEND: 1359, 1392.4, 1436.30 REPEAL: 1359.1, 1360, 1361, 1362, 1363

03/19/01 ADOPT: 3650, 3651, 3652, 3654, 3655, 3656, 3657, 3658, 3659, 3660

03/15/01 AMEND: 6400

03/13/01 REPEAL: 1438.23.1, 1438.25.1, 1438.25.2, 1438.25.3, 1438.24.4

03/08/01 ADOPT: 3661, 3662, 3663 AMEND: 3652

02/21/01 ADOPT: 6486.8 AMEND: 6800, 6802

Title 4

05/22/01 AMEND: 2000
 04/11/01 ADOPT: 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017
 03/20/01 AMEND: 214, 546
 03/05/01 AMEND: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337
 02/28/01 AMEND: 1632

Title 5

06/20/01 ADOPT: 1200, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1215, 1216, 1217, 1218, 1220, 1225
 06/15/01 AMEND: 80026, 80027
 06/13/01 ADOPT: 4914, 4915, 4915, 4916, 4917, 4925, 4926, 4927, 4963, 4964, 4965 AMEND: 4900, 4901, 4902, 4910, 4911, 4912, 4913, 4920, 4921, 4922, 4930, 4931, 4940, 4960
 06/11/01 ADOPT: 1031, 1032, 1032(i), 1033, 1034, 1035, 1036, 1037, 1038, 1039
 06/05/01 AMEND: 18302
 05/15/01 ADOPT: 30007, 30008, 30009, 30023, 3024, 30025, 30026, 30027
 05/09/01 AMEND: 850, 852, 853, 855, 857, 858, 859, 862, 864.5, 866, 867, 867.5, 868, 870, 880, 884, 891, 894
 04/30/01 AMEND: Section 30060
 04/25/01 ADOPT: 80016
 04/02/01 AMEND: 80303
 03/29/01 ADOPT: 90000, 90001, 90002, 90003, 90004, 90005, 90006, 90007, 90008, 90009
 02/21/01 AMEND: 42920

Title 8

06/25/01 AMEND: 1662(j)
 06/19/01 AMEND: 1504, 3622
 06/13/01 ADOPT: 34050, 34055, 34060, 34065, 51720 AMEND: 32001, 32050, 32155, 32700, 32720, 32721, 32990, 32991, 34020, 34030, 34040, 40178, 40400, 40410, 40420, 51700, 51710, 51730 REPEAL: 34000, 34010
 06/13/01 AMEND: 5189(n)
 06/11/01 ADOPT: 32015, 32016, 32325, 32603, 32604, 60000, 60010, 60020, 60030, 60035, 60040, 60050, 60060, 60070, 61000, 61005, 61010, 61020, 61030, 61040, 61050, 61055, 61060, 61065, 61070, 61072, 61075, 61080, 61090, 61100, 61105, 61110, 61115, 61120, 61125
 06/11/01 AMEND: 5209(d)(2)(B)(C)(D)
 05/30/01 ADOPT: 10124.1

05/30/01 AMEND: 9790.1, 9792.1
 05/23/01 AMEND: 9714, 9714.5
 05/10/01 REPEAL: 15402.1(4)
 05/07/01 AMEND: 4188(b)
 05/07/01 ADOPT: 15251(b)(1)(B) AMEND: 15251(b)(2), 15251(c)(2)(A), 15251(b)(6)
 05/02/01 ADOPT: 11.5, 118, 119 AMEND: 1
 04/25/01 AMEND: 5157, 5158, 8355
 04/19/01 AMEND: 15230
 04/09/01 AMEND: 1541.1
 04/06/01 AMEND: 1637, 1658
 03/26/01 AMEND: 1629
 03/14/01 AMEND: 9792.1
 03/06/01 AMEND: 3465(a), 3472, 3475

Title 9

05/17/01 AMEND: 7263, 7264.2, 7264.6
 04/25/01 ADOPT: 9500, 9510, 9517, 9530, 9533 AMEND: 9505, 9515, 9520, 9525, 9535, 9540, 9545
 03/22/01 ADOPT: 9500, 9505, 9510, 9520, 9525, 9535, 9540 AMEND: 9515, 9530, 9545
 03/19/01 ADOPT: 9823.1
 03/12/01 ADOPT: 400 REPEAL: 400

Title 10

06/19/01 ADOPT: 2498.6
 06/13/01 ADOPT: 2187.3 AMEND: 2186.1, 2187.1, 2187.2, 2188, 2188.2, 2188.3, 2188.2, 2188.5, 2188.6, 2188.8, and 2188.9
 06/11/01 ADOPT: 4081, 4081.1, 4081.2, 4081.3, 4081.4, 4081.5, 4081.6, 4081.7, 4081.8
 06/04/01 AMEND: 310.001
 06/01/01 ADOPT: 2695.30 AMEND: None REPEAL: None
 05/24/01 ADOPT: 260.105.40, 260.204.10, 260.204.11
 05/23/01 AMEND: 2699.100
 05/16/01 AMEND: 2716, 2790.1, 2805.1
 05/11/01 ADOPT: 2278, 2278.2, 2278.3, 2278.4, 2278.5
 05/02/01 ADOPT: 260.102.19, 260.140.41, 260.140.42, 260.140.45, 260.140.46
 04/30/01 ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8
 04/02/01 ADOPT: 260.204.12
 04/02/01 ADOPT: 10.19605
 03/14/01 ADOPT: 260.402
 03/06/01 ADOPT: 5404.1, 5906 AMEND: 5900, 5901, 5904, 5905

Title 11

06/05/01 AMEND: 1081(a)(2)
 06/01/01 ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008

06/01/01 ADOPT: 410, 411, 415, 416, 417, 418,
419, 420, 421, 422, 423, 424, 425, 426
05/22/01 AMEND: 1005
05/18/01 ADOPT: 977.10, 977.15, 977.20, 977.30,
977.31, 977.32, 977.33, 977.34, 977.35,
977.36, 977.40, 977.41, 977.42, 977.43,
977.44, 977.45, 977.46, 977.47, 977.48,
977.49, 977.50, 977.51, 977.55, 977.60,
977.70, 977.71, 977.80, 977.90
04/20/01 ADOPT: 999.5 AMEND: 999.2(f) RE-
PEAL: 999.2(e), 999.5
04/11/01 AMEND: 1015(e)

Title 12

04/06/01 ADOPT: 302.1, 302.2, 302.3 AMEND:
302, 309.2

Title 13

06/26/01 ADOPT: 80.00, 80.25 AMEND: 80.50,
80.55, 80.60, 80.65, 80.70, 80.75, 80.90
06/22/01 ADOPT: 125.00, 125.06, 125.12, 125.16,
125.18, 125.20, 125.22, AMEND:
100.91, 100.93, 100.92, 100.94, 1000.95
06/13/01 AMEND: 350.02, 350.03, 350.04,
350.06, 350.16, 350.20, 350.22, 350.24,
350.28, 350.34, 350.36, 350.38, 350.40,
350.44, 350.46, 350.48, 350.50
06/04/01 AMEND: 1956.1, 1956.2, 1956.4
05/24/01 AMEND: 1130
05/24/01 AMEND: 20.04
05/22/01 ADOPT: 55.01, 55.02, 55.03, 55.04,
55.05, 55.06
05/14/01 AMEND: 268.04, 314.00
04/30/01 AMEND: 1956.6, 1961
03/22/01 AMEND: 1224, 1225
03/05/01 REPEAL: 343.00, 343.02, 343.03,
343.04, 343.05, 343.06

Title 14

06/26/01 AMEND: 18755(g), 18757(e), 18776e,
18794(h)(1), 18794.1(c)(1), 18800(d),
18801(a)(4), 18813(c)
06/18/01 ADOPT: None AMEND: 14ccr 1038 by
adopting subsection(g)
06/18/01 ADOPT: 8.20 AMEND: 5.86
06/18/01 ADOPT: 150.03
06/11/01 AMEND: 2200
05/25/01 AMEND: 817.02, 818.02
05/21/01 AMEND: 360, 361, 362, 363, 364, 401
05/17/01 ADOPT: 17367, 17368, 17369, 17370.1,
17370.2, 18225
05/14/01 AMEND: 11900
05/14/01 ADOPT: 14020
05/09/01 AMEND: 182
05/08/01 ADOPT: 20030, 20040, 20050, 20060,
20070, 20080, 20090, 20100, 20110
04/30/01 AMEND: 2.02, 7.50
04/26/01 AMEND: 228, 757

04/26/01 ADOPT: 749..1
04/24/01 AMEND: 238.6
04/23/01 AMEND: 27.80
04/16/01 AMEND: 791, 791.7, Form FG OSPR-
1972 (12/00)
04/12/01 ADOPT: 18304.1, 18304.2, 18304.3,
18304.4 AMEND: 18011, 18080, 18081,
18082, 18083, 18084, 18301, 18302,
18303, 18304, 18304.5, 18306, 18307,
18350, 18351, REPEAL: 18305, 18309,
18310, 18311, 18312, 18313, 18353,
18354, 18355
04/11/01 ADOPT: 18570, 18571, 18572, 18573,
18574, 18575, 18576, 18577, 18578,
18579, 18580
03/28/01 ADOPT: 120.01 AMEND: 120
03/20/01 AMEND: 11900, 11945
03/12/01 AMEND: 2200
03/05/01 ADOPT: 1.90, 27.67, 27.82, 28.26, 28.58,
150.01, 150.06, 150.16, 150.17 AMEND:
27.60, 28.27, 28.28, 28.29, 28.54, 28.55,
28.65, 120, 120.3, 195
03/05/01 AMEND: 402
02/27/01 AMEND: 4.00, 4.10, 4.15, 4.20, 4.25,
4.30, 7.50(b)(174.5), 29.15, 671,
7.50(b)(19)
02/21/01 AMEND: 1038

Title 15

06/19/01 AMEND: 4622
05/29/01 AMEND: 179
05/21/01 AMEND: 2512(a)(5)(b)
05/11/01 ADOPT: 3605
05/09/01 AMEND: 4900
05/08/01 AMEND: 2601(b), 2605(c), 2637(b)(6),
2647.1(b)
05/03/01 ADOPT: 3377.2 AMEND: 3000, 3377.1
04/04/01 AMEND: 3139.
04/03/01 AMEND: 3145
03/22/01 AMEND: 3336
03/16/01 ADOPT: 2239, 2830 AMEND: 2000,
2269.1(a)(2), 2218(d), 2284(a),
2317(c)(1), 2402(d)(5), 2405(a)
03/08/01 AMEND: 3090

Title 16

06/22/01 ADOPT: 1775.15 AMEND: 1775, 1775.2
REPEAL: 1775.1
06/20/01 AMEND: 1399.417, 1399.419, 1399.443,
1399.444 REPEAL: 1399.445
06/11/01 AMEND: 1399.101, 1399.102, 1399.105,
1399.113, 1399.114, 1399.115, 1399.116,
1399.118, 1399.120, 1399.121, 1399.131,
1399.133, 1399.134, 1399.135, 1399.136,
1399.137, 1399.138, 1399.139, 1399.140,
1399.141, 1399.142, 1399.144 REPEAL:
1399.104
06/07/01 AMEND: 2649

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